

Legislative Handbook

Prepared by
Management Council
Legislative Service Office

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LEGISLATIVE HANDBOOK

INTRODUCTION

A. SCOPE AND PURPOSE

The **Legislative Handbook** is prepared by the Legislative Service Office under the direction of the Management Council.

It is intended to serve as a quick reference to answer a myriad of practical questions about the day to day operations of the Wyoming Legislature.

Suggestions for changes or improvements to the **Legislative Handbook** should be addressed to the director of the Legislative Service Office.

B. RELATED PUBLICATIONS

Appendix 1 to this Handbook provides a directory of a number of additional publications relating to the operation of State government generally, and to various aspects of the legislative process in particular, and includes a brief synopsis of the type of information contained in each.

C. UPDATED INFORMATION

Note: New policies and amendments to existing policies adopted by the Management Council since the date of the publication of the latest bound edition of the Legislative Handbook may be found in the Supplement [Appendix 3] and on the legislative website at www.wyoleg.gov.

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CHAPTER I

THE LEGISLATIVE SERVICE OFFICE

1. HISTORY AND OVERVIEW OF THE LSO

The Legislative Service Office (LSO) was created by Chapter 113, Session Laws of Wyoming 1971. It commenced operations on March 1, 1971. Policies, rules and regulations governing the general operations of the Office and its relationship to legislative committees and individual legislators are made by the Management Council. The Council is composed of 13 members consisting of the Senate and House leadership, plus two at-large members from the Senate and two from the House selected by party caucus, and one additional at-large member.

The LSO Director is employed by, and subject to the direction of, the Management Council. Other employees of the Office are employed and serve at-will at the pleasure of the Director. The staff is selected and services are performed on a non-partisan basis. A basic organizational chart is provided at Appendix 2.

Legislators in Wyoming do not have individual staff. Rather, staff services are provided by the LSO acting as a central, non-partisan staff agency. Staff of the LSO help members of the Legislature identify and articulate issues, develop information related to those issues, help identify possible solutions and provide information about the pros and cons of those solutions.

The LSO provides research and bill drafting services, contracts for printing and publication of the statutes, and accounts for all expenditures and property of the Legislature. In addition, members of the staff prepare administrative rule reviews, conduct oversight evaluations of Executive agency programs, conduct fiscal studies and budget analyses, coordinate legislative activities related to school finance, maintain the Legislature's technology systems, conduct general research for the Legislature, and provide public information services.

2. MISSION STATEMENT

The Legislative Service Office provides high-quality, professional and non-partisan staff support to exercise the constitutional duties of the Wyoming Legislature.

3. LEGISLATIVE SERVICE OFFICE STRUCTURE

The following is a brief overview of the LSO staff structure and functions:

Legal Services Division

This division provides bill and amendment drafting for committees and individual legislators. Members of this division serve as the staff of the Legislature's joint interim and select committees. Staff is responsible for providing legal research services to committees and individual legislators. The division also performs reviews of agency rules and regulations as required by law under the administrative rule review process.

Budget and Fiscal Section

This section staffs the Joint Appropriations Committee (JAC). The section also provides support to other committees and individual legislators on budget matters and State expenditures. The staff develops information on revenues and prepares fiscal notes for proposed legislation. The section manager also serves as co-chairman of the State's Consensus Revenue Estimating Group (CREG).

Program Evaluation Section

Staff from the Program Evaluation Section conducts evaluations of the effectiveness and efficiency of State government programs. This section's work is conducted under the direction of the Management Audit Committee (MAC). Topics are selected by the committee, although any legislator may suggest potential program evaluation topics for the committee's consideration.

School Finance Section

In November, 1995, the Wyoming Supreme Court declared the Wyoming K-12 school finance system unconstitutional. In response to the Supreme Court ruling, the LSO created a School Finance Section to coordinate legislative activities related to K-12 school finance reform and school capital construction. This section serves as staff to the various committees charged with K-12 education responsibilities, in addition to staffing the Education Committee. Staff coordinates K-12 legislative activities between the Legislature, the State Department of Education, local school districts, and education consultants.

Information Technology Section

The LSO information technology personnel provide computer support for the LSO staff, the session staff, and the Legislature. Computer support includes hardware and software purchase and maintenance, training and application development. Technology staff provide support for the staff computers and the laptop computers provided to each

legislator. The section is responsible for the operation and maintenance of the Legislature's bill drafting and tracking system. Technology staff also maintain a legislative intranet and a website on the Internet, which allows the public access to a variety of legislative information, including the text of bills, committee and roll call votes during the session, and interim legislative committee activities.

Research and Information Services

In 2003, the Legislature created additional research capacity within the LSO by authorizing a general research function. The staff members provide policy analysis on a wide variety of subject matters and respond to general research and information requests from committees and individual legislators. In addition, the Legislature employs a legislative information officer, who coordinates legislator training, media relations, legislative information management, and civic education activities that promote understanding of and participation in the legislative process.

Administrative Services

The LSO administrative staff perform a wide variety of administrative and clerical support services, including ordering supplies, maintaining records, receptionist services, photocopying, sales of publications, typing, and filing and mailing services for the Legislative Branch. During legislative sessions, and shortly before and after sessions, several session-only staff assist with photocopying and other support services.

The fiscal officer handles all fiscal matters for the Legislature including payroll for legislators, the LSO staff and House and Senate staff, travel vouchers, payments for goods and services purchased, and maintenance of records of fiscal accounts.

4. LEGISLATIVE SERVICE OFFICE ATTORNEY CLIENT POLICY STATEMENT

Absent direction from the Management Council of the Wyoming Legislature and in the absence of direction from the full Legislature, the Legislative Service Office (LSO) will operate under the following positions in the provision of services by an LSO attorney.

- (a) Under the Wyoming Constitution the legislative power is vested in a senate and house of representatives, which is designated "the legislature of the State of Wyoming."¹ The Legislature is to prescribe by law the number, duties and compensation of the officers and employees of each house.² The LSO is by statute created "within the legislative branch of government."³ The organizational structure of the LSO "is determined by the management council, subject to the ultimate control of the entire membership of the legislature."⁴ Under Wyoming law, policies, rules and regulations governing the general operations of the LSO and

¹ Wyoming Constitution, Art. 3 §1.

² Wyoming Constitution, Art. 3 §29.

³ W.S. 28-8-101.

⁴ Id.

its relationship to legislative committees and individual legislators are made by the Management Council.⁵ To the extent statute, rules of the Legislature, policies of Management Council or other governing provisions adopted by the Management Council or the Legislature address the issue, those provisions define any attorney-client relationship for LSO attorneys.⁶

- (b) Application of those governing provisions results in the conclusion that, to the extent they have a client, LSO attorneys' client is the Legislature as an organization. LSO attorneys do not have an attorney-client relationship with individual legislators.
- (c) LSO employees, including LSO attorneys, have statutory duties, regarding service to individual legislators and including duties regarding confidential and privileged communications to individual legislators, regardless of whether an attorney-client relationship exists.⁷
- (d) In providing services to the full Legislature, its committees and to individual legislators, LSO attorneys will be governed first by substantive provisions of law and legislative rules, policies and other governing provisions for the Wyoming Legislature, including this policy statement. To the extent the various rules of the Wyoming Supreme Court regulating attorney professional responsibility do not conflict with these laws, rules, policies and governing provisions, LSO attorneys will comport with the Court rules in providing services to individual legislators, legislative committees and the full Legislature.
- (e) In providing authorized services LSO attorneys should not be expected to engage in conduct in conflict with their duties to the Legislature or to violate duties of confidentiality or other duties to individual legislators imposed by statute, rule of the Legislature or policy of Management Council.
- (f) Questions regarding the application of this policy statement should be referred to the Director of the LSO for resolution, subject to oversight of the Management Council and ultimate oversight by the full Legislature.

⁵ W.S. 28-8-102(c).

⁶ Under Wyoming Supreme Court rules governing the conduct of attorneys, substantive law external to the rules determines whether a client-lawyer relationship exists. Furthermore, the Rules themselves recognize that while they apply to governmental organizations, defining precisely the identity of the client and prescribing resulting obligations of such lawyers may be more difficult in the government context and is a matter beyond the scope of the Rules. *See*, Wyo. Rules of Professional Conduct, Scope [17], Wyo. Rules of Professional Conduct, §1.13, comment 9.

⁷ *See, e.g.*, W.S. 28-8-105(a)(i) and (iii) and W.S. 28-8-116.

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CHAPTER II

CLERICAL/ADMINISTRATIVE SUPPORT SERVICES

1. CLERICAL ASSISTANCE/TYPING

- (a) Services Available During the Session: Clerical assistance during sessions is available through the Administrative Assistant's office in the Senate and House. Requests for typing of correspondence or other documents related to legislative activities should be submitted to the Administrative Assistant's office or to one of the secretaries assigned to the standing committee(s) of which the legislator is a member.
- (b) Services Available During the Interim: At the discretion of the Director, the LSO staff is available to legislators for clerical duties on a limited basis, *e.g.*, photocopying and faxing documents, assistance in filling out forms or survey questionnaires related to legislative activities. The staff is not available to type correspondence for individual legislators.

2. DISTRIBUTION OF BILLS

- (a) Distribution to Legislators: For bills printed before a session convenes, legislators may select one of the following options:
 - (i) Request the LSO to mail the full text of all bills;
 - (ii) Request copies of the bill "title sheets" only (containing the bill number, catch title, sponsor name and the bill title which provides a brief synopsis of the bill). If this option is selected, the full set of bills will be available for the legislator upon arrival in Cheyenne.

Bills printed after a session convenes are distributed by the Senate and House staff.

- (b) Distribution to Individuals at Request of Legislator: At the specific request of a legislator, the LSO will mail a copy of a bill to any individual.
- (c) Public Distribution of Bills: Members of the public may obtain copies of bills from the LSO by mail or (during session) from the LSO in the State Capitol, subject to a modest copying fee plus postage.

Electronic access to bills is available to the public via the Wyoming Legislature's website: www.wyoleg.gov.

3. ACCESS CARDS; KEYS

During session, photo ID access cards are provided by the LSO which allow legislators 24/7 access to the State Capitol. Committee room keys are available from the House and Senate Administrative Assistants.

4. LEGISLATIVE DIRECTORY

CenturyLink and the Wyoming Trucking Association jointly issue a legislative directory. The directory is available through the Administrative Assistants' offices and the Legislative Service Office.

The directory lists: contact information for all legislators and includes a photo and a brief biographical sketch; telephone numbers for all House and Senate offices and committee rooms; membership of all House and Senate standing committees; and the position and title of each member of session staff.

5. LOBBYIST REGISTRATION

Pursuant to W.S. 28-7-101, lobbyists are required to register with the Secretary of State by filing a statement listing their name and business address and the name and business address of each company or interest they represent.

A list of registered lobbyists is available to all legislators from the Secretary of State's Office.

6. MAIL AND POSTAGE

(a) During Session: Session mail may be addressed to:

Legislator's Name
House of Representatives (or) Senate
200 West 24th Street
Cheyenne, Wyoming 82002

Mail is picked up and delivered twice a day to the LSO during legislative sessions. Postage is provided for outgoing mail which is legislative in nature. Postage stamps for personal mail may be purchased from the LSO.

(b) During the Interim: Individual first-class and priority mail (not mass mailings) is forwarded to legislators during the interim. The LSO does not provide postage for legislators' correspondence during the interim, however, this is an expense that may be paid from the member's constituent service allowance.

7. SESSION PARKING

Reserved parking is provided for one car per legislator in the reserved legislator parking area (Herschler Building underground parking lot – West side). The legislative parking sticker must be displayed for parking in this area. Other parking in the Capitol Complex is available on a first-come, first-served basis.

8. PHOTOCOPYING SERVICES

- (a) During Session: There are photocopying machines located in each Administrative Assistant's Office for copying legislative materials during sessions. Guidelines for use are developed in each house.

Materials given to the Administrative Assistant's Office by a legislator to be photocopied for distribution to other members of the House or Senate, *e.g.*, written material in support of a bill, must be signed by the legislator requesting distribution.

- (b) During the Interim: During the interim, limited photocopying service is available in the LSO.

9. PHOTOS

The Legislative Service Office arranges for a photographer for the legislative composite photo. Legislators are provided an opportunity to purchase individual copies of the composite from the photographer.

10. SEATING ASSIGNMENTS

Prior to each General Session, the leadership of the Senate and House determine the seating arrangement on the floor of the Senate and House.

11. SUPPLIES AND MATERIALS

The following items are distributed to each legislator by the LSO and are available, unless otherwise specified, at the beginning of the General Session after the legislator is first elected:

- (a) Desk plate and name tag: Each legislator is requested to complete a form indicating how the member wishes his or her name to read. The form is supplied in an initial mailing as soon as possible after the election.
- (b) Parking stickers: One parking sticker for the legislative parking area is issued to each legislator for a two-year biennium. The stickers are a static cling material which can be transferred from one vehicle to another. The stickers must be

displayed for parking in the reserved legislator parking area (Herschler Building underground parking).

- (c) Session supplies: Supplies necessary during a legislative session, *e.g.*, notepads, pens, pencils, etc., are issued by the Senate and House Administrative Assistants.
- (d) Stationery and business cards: Each legislator will be provided with a complimentary set of personalized, full-color stationery (250 sheets and envelopes), folded correspondence cards (250 generic cards and personalized envelopes), and business cards (250) during the General Session. Legislators may choose to order 500 business cards at a time, rather than 250. Legislators will be provided an opportunity to order three (3) additional complimentary sets of full-color stationery and business cards during the biennium. Due to additional responsibilities, members of leadership may order unlimited complimentary sets of personalized full-color stationery and business cards during the biennium.

If legislators need additional stationery, folded correspondence cards, or business cards, in addition to the complimentary sets available to order during each biennium, they may order additional sets between sessions at their own expense and will be billed directly by the printer. Alternatively, if members run out of personalized stationery during the year, the LSO will furnish generic full-color stationery (not personalized with legislator's name) in unlimited quantities.

Due to the expense of personalized stationery, legislators are encouraged to use it only for formal communications, *e.g.*, correspondence to constituents. Correspondence to the LSO, *e.g.*, bill drafting requests, need not be sent on personalized stationery.

- (e) Wyoming Statutes and Mason's Manual of Legislative Procedure: These are issued to each legislator at the beginning of the first General Session after the legislator is elected. During the member's term, each legislator receives a yearly statutory supplement update along with a copy of the Wyoming Session Laws and the Digest of the Senate and House Journals (usually mailed out in June).

12. TELEPHONE SERVICES

- (a) Bill Status: Constituents may use an in-state toll-free number to receive limited bill status information. The number is (800) 342-9570 (out-of-state number – (307) 777-6185).
- (b) Credit Cards: The LSO issues a telephone credit card to each legislator. Telephone credit cards are to be used for official legislative business **only**. Legislators are authorized use of the State telephone credit card for a total of not more than \$2,000 for the entire term of a numbered Legislature, *i.e.*, the two calendar years during which each Legislature is seated.

To protect against billing errors, use of credit cards for non-legislative business (usually by mistake) and unauthorized use by third parties, the LSO does perform a cursory review of credit card billings.

If a legislator should inadvertently use the legislative credit card for personal reasons, jot down the number and date and drop a note in the mail, e-mail or call the LSO. When the billing arrives, the legislator will be notified of the amount. Since billings are public information, a notation is made on the billing that the personal call was reimbursed to the General Fund.

- (c) Voice Mail: For the convenience of legislators, each LSO staff member is assigned a “voice mail box” (answering machine service) to receive recorded messages when the staff member is away from his or her desk. The messages are secure and the system is intended to avoid the frustration of playing “telephone tag.” To access voice mail, call the main LSO number – (307) 777-7881.
- (d) Online Hotline and Telephone Hotline: During the legislative session, constituents may recommend support for or opposition to a particular piece of legislation by using the Online Hotline. In addition to expressing support for or opposition to an identified bill, the public may also leave a short comment regarding the bill. This service is available on the Legislature’s website at www.wyoleg.gov. The telephone hotline is also available toll-free for those without internet access. Within Wyoming the number is (866) 996-8683, and for local callers within the Cheyenne area, the number is 777-8683. Callers will not be able to leave comments regarding a bill. The information provided is considered a public record.
- (e) Hearing Impaired Services: Anyone with a hearing impairment may call the toll-free Wyoming Relay Service for information on any bill. The number is (800) 877-9965 for TDD or text telephones. Ask the Wyoming Relay Service operator to dial (307) 777-6185 to obtain the status on bills. This service is available to all Wyoming residents with hearing impairments.
- (f) Phone Booths: Private booths located near the House and Senate chambers are available to legislators to make or receive telephone calls while the House and Senate are in session. Telephones in these booths may be used to make long distance calls related to legislative business.

13. INFORMATION TECHNOLOGY SERVICES AVAILABLE TO LEGISLATORS THROUGH THE INFORMATION TECHNOLOGY SECTION

The LSO Information Technology (IT) staff are responsible for providing computer support for LSO staff, session staff and legislators and for maintaining the legislative website.

- (a) Computer Support: Computer support provided by the IT staff includes: purchase of laptops and other equipment and software, maintenance of equipment, maintenance of a bill drafting and tracking system, maintenance of the roll call voting system, training for legislators and staff and development of new systems.

The major systems maintained by the IT staff include the bill drafting/tracking system and the roll call vote system.

The bill drafting/tracking system allows the staff attorneys to draft bills, amendments, joint conference committee reports and bill summaries. The system is used by the Budget/Fiscal section to prepare fiscal notes and is used to assign bill numbers to the bills. The system is used by the session staff to track the progress of the bills as they work their way through the process. The system generates a variety of reports for the public, including the bill status report (purple sheet), the daily calendars, digest records, and bill title reports.

The roll call voting system allows the chief clerks to take roll call votes electronically and transfers the votes automatically to the bill tracking system.

- (b) Legislative Website: The legislative website (www.wyoleg.gov) is maintained by the IT staff. Legislative information available on the website includes: Wyoming Statutes, House and Senate committee lists, information about each legislator, information relating to current and previous sessions, and information concerning interim legislative activities such as topics assigned for committee study, meeting schedules and minutes of meetings.

The legislative intranet site allows legislators access to items associated with the legislative process, including: bills, amendments, fiscal notes, statutes, votes, committee meeting notices, and committee meeting minutes. The site also offers each individual legislator the ability to organize activities related to the legislative process and allows the legislator the ability to customize the website to fit personal preferences, to easily track bills of interest, to access public and private calendars of events, to receive notification of significant events, to attach personal notes to individual bills, and to communicate with other legislators electronically.

- (c) E-mail Accounts and Internet Service: The Management Council has authorized legislators reimbursement of not more than \$30 per month for Internet access fees from any provider of the legislator's choice. Legislators are also entitled to

reimbursement for one set-up fee per calendar year, not to exceed actual cost or \$30, whichever is less.

All legislators receive a Wyoming Legislature e-mail account after being elected. Many legislators use e-mail to correspond with their constituents and other members of the public. Legislators may be contacted by e-mail using their firstname.lastname@wyoleg.gov. Contact information is also listed on the Legislature's website at www.wyoleg.gov.

15. SESSION CALENDAR OF SPECIAL EVENTS

The Legislative Service Office maintains an unofficial calendar of special events during legislative sessions solely as a courtesy to legislators and members of the public. The special events listed on this calendar are not official activities of the Wyoming Legislature.

Maintaining the calendar allows organizations to avoid conflicts with other events when they make their plans. It also provides legislators a source of consolidated information. No organization is required to contact the LSO to schedule an event on the special events calendar. The special events calendar may be accessed in the legislator's Outlook e-mail account. Copies are also available in the LSO main office.

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CHAPTER III

COMPENSATION /TRAVEL EXPENSES

A. FINANCE AND TRAVEL GUIDELINES

1. PARTICIPATION IN STATE PAYROLL SYSTEM – REQUIRED FORMS

- (a) Before a legislator may be placed on the State payroll system, the following forms must be completed and filed in the Legislative Service Office: Form I-9, as required by the Immigration Reform and Control Act of 1986; Tax Form W-4, copy of Social Security card to be attached; and Legislator's Information Sheet.
- (b) Automatic Deposits for Payroll: Legislators may have their payroll and travel reimbursement checks automatically deposited into their selected bank account. Utilizing this service will provide a fast and secure payment for salary and travel reimbursements. A voided check, or a copy of a voided check, must be provided to the LSO Fiscal Officer to be set up for direct deposit. Deposit slips are not accepted.

2. SESSION COMPENSATION

- (a) If residing outside Cheyenne, legislators are paid mileage to and from session at a rate set by the State Auditor.
- (b) During session, legislators living outside Cheyenne have the option of being paid round trip mileage for one trip home each week of the session.
- (c) All legislators are paid \$150/day salary for each day they are in Cheyenne for session, including weekends.
- (d) Legislators living outside Cheyenne are paid \$109/day per diem for travel to and from session.
- (e) All legislators are paid \$109/day per diem for each day they are in Cheyenne for session, including weekends. For Cheyenne legislators, per diem paid during the session is taxable.

3. INTERIM COMMITTEE MEETINGS

- (a) Legislators are paid \$150/day salary for each day of an interim committee meeting.

- (b) Legislators who must travel to attend a meeting are paid round trip mileage.
- (c) Legislators are paid \$109/day per diem for each day of the meeting.
- (d) Legislators who must travel extra days to attend a meeting are paid \$109/day per diem for each day of travel to and from the meeting.
- (e) Legislators who must travel to and from a meeting are paid half-day salary for each travel day that does not fall on a meeting day.
- (f) Legislators are paid an additional salary to prepare for interim committee meetings at the rate of half-day salary for each day of the meeting. Pre-session budget hearings of the Joint Appropriations Committee are excluded.
- (g) In the case of in-town or short meetings, legislators have the option of waiving a portion of their per diem. *See* Management Council Travel Regulations.
- (h) Under federal tax law, some portion of per diem payments for interim committee meetings may be taxable.
- (i) Members serving as legislative liaisons to various Executive Branch boards and commissions receive similar reimbursement as outlined for interim committee meetings except they are not paid salary for “preparation” days.

4. MONTHLY SALARIES WHEN NOT IN SESSION

- (a) During months when the Legislature is not in session, legislators receive a monthly salary as follows:
 - (i) Presiding officers: six days salary at \$150/day.
 - (ii) Majority and Minority Floor Leaders and Committee Chairmen: four days salary at \$150/day.
 - (iii) Other members: two days’ salary at \$150/day.

5. CONSTITUENT SERVICE ALLOWANCE

Beginning January 2013, each member automatically receives \$750 per calendar quarter without filing a claim. This payment is intended to cover expenses incurred by the legislator in serving his or her constituents. The payment is

treated as taxable income, however, the legislator may be able to claim certain expenses as deductions for federal income tax purposes.

6. OUT-OF-STATE TRAVEL

In General: Legislators are reimbursed actual expenses for registration, travel, meals and miscellaneous expenses for authorized travel to attend approved out-of-state educational meetings. Salary is not authorized for out-of-state travel. Meal reimbursement is currently limited to \$60/day. These expenses are reported in the LSO Annual Report.

Reimbursement for out-of-state travel expenses is subject to the following terms and conditions:

- (a) Reimbursement is authorized for approved travel as follows:
 - (i) Meetings of National Organizations: Subject to available budget, legislators may, without prior approval, attend two (2) meetings, during the interim between each session, of a national or regional organization in which the Legislature participates. Travel in excess of the two meetings must, however, be specifically approved in advance by the presiding officer of the legislator's house (Council minutes 4/30/2003). "National or regional organizations in which the Legislature participates" include the National Conference of State Legislatures (NCSL), the Council of State Governments (CSG) (this includes the Western Legislative Conference), the Education Commission of the States, the Energy Council (travel to Energy Council meetings is limited to members appointed to the Energy Council), and the State Legislative Leaders Foundation (SLLF) (travel limited to members of House and Senate leadership).
 - (ii) Other Travel Requires Management Council Approval: All other out-of-state travel must be specifically approved in advance by the Management Council.
 - (iii) Travel Outside the Continental U.S.: Notwithstanding paragraph (i) of this subsection, approval by the entire Management Council is required to attend any meeting held outside the Continental United States, *i.e.*, the lower 48 states and the District of Columbia.
- (b) Travel expenses for out-of-state travel shall be reimbursed for the actual amount of the costs incurred subject to the following:
 - (i) Registration fees may be paid directly by the LSO or the legislator may elect to pay registration fees directly and be reimbursed.

Payment of registration fees shall be limited to the lowest amount offered for advance registration at the meeting.

- (ii) Reimbursable costs are limited to transportation costs, lodging and meals which are not provided as part of the registration fee for the meeting. Reimbursement for meals shall be limited to the lesser of actual costs or \$60 per day. No reimbursement shall be made for the cost of alcoholic beverages.
- (iii) Legislators shall be reimbursed for the cost of commercial or private transportation such as charter or private aircraft or rental vehicles to the extent the cost does not unreasonably exceed the regular mileage allowance plus reasonable per diem.
- (iv) Legislators shall be reimbursed the lesser of the actual cost of public transportation, *e.g.*, commercial airfare, or the cost of transportation had reservation been made at least 14 calendar days before the date of departure.
- (v) Mileage shall not be paid to the extent a State aircraft or vehicle is used for transportation.
- (vi) A legislator may elect to waive any portion of travel expenses to which he or she is otherwise entitled. Mileage shall be computed from point to point by the nearest practicable route.
- (vii) The Management Council may limit travel or expenditures for travel to stay within the approved budget.
- (viii) Unless excused for good cause by a vote of Management Council, if a member cancels travel to an out-of-state meeting after the expense for airfare has been incurred or paid by the State, the cancelled trip will be counted against the member's total authorized trips for that year. If the member subsequently receives a full or partial refund of the ticket price or uses the ticket for personal travel, the amount of the refund or the value of the ticket for personal travel shall be reimbursed to the State. As used in this paragraph, "good cause" will typically be limited to severe weather, illness or injury of the member, or family emergencies. (Management Council minutes – 11/16/2011)

8. PAYROLL, TAXES AND VOUCHER PROCESSING

- (a) Legislative Sessions: There are special procedures regarding payments to legislators during legislative sessions which depend upon convening and

adjournment dates. Legislators are advised of those separately in advance of each session.

- (b) Interim: During the interim between sessions, legislators are paid for in-state travel to committee meetings and other authorized legislative activities, as described in this chapter. Legislators submit vouchers to be paid for this travel.

All items which are taxable under federal law are paid on the payroll check at the end of the month.

- (c) Given that out-of-state travel is usually costly, vouchers for out-of-state travel are processed as soon as possible after their receipt. Checks are usually issued within 10 days.

9. MISCELLANEOUS

- (a) Legislators are provided a telephone calling card to use for legislative business. They are limited to \$2,000 per biennium.
- (b) Legislators may be reimbursed up to \$30/month for Internet access.
- (c) During sessions, legislators are provided free postage for legislative mailings.
- (d) Legislators are not eligible for State retirement, vacation, sick leave, health or life insurance benefits.

B. FREQUENTLY ASKED QUESTIONS CONCERNING TRAVEL EXPENSE VOUCHERS

WILL I BE ALLOWED AN EXTRA TRAVEL DAY TO RETURN HOME ON THE DAY FOLLOWING A COMMITTEE MEETING?

A rule of reason is applied based generally upon the time the meeting adjourns and the distance and conditions under which the legislator has to travel.

If a meeting in Cheyenne adjourns at 4:30 p.m., a legislator living in Laramie or Wheatland clearly would not be expected to request an additional travel day, whereas a legislator living in Cody would. The answer is not, however, always so clear, *e.g.*, a meeting ends at 4:30 p.m., the legislator has a 2½ hour drive home, it has been snowing all day, and the roads are expected to be icy. In this situation, an additional travel day might be warranted.

In all questionable circumstances, the final determination will be left to the discretion of the committee chairman. **Please make a note** of the special circumstances on the voucher to alert the LSO Fiscal Officer.

IF I ATTEND A COMMITTEE MEETING AND INCLUDE A PERSONAL OR BUSINESS TRIP EITHER BEFORE OR AFTER THE MEETING, HOW DO I INDICATE THAT ON MY TRAVEL EXPENSE VOUCHER?

State the date(s) of the personal or business trip, as well as the departure and arrival dates at residence city on the reimbursement schedule.

IF I TRAVEL TO A MEETING WITH ANOTHER LEGISLATOR IN HIS OR HER CAR, AM I STILL ENTITLED TO MILEAGE?

No. When two or more legislators travel together in the same vehicle, only the member whose vehicle is actually used for the trip is entitled to submit a claim for reimbursement. (See MC policy 08-02(a)(iv)). (Management Council Minutes 1/4/2016)

WHAT IF I COMPLETE MY TRAVEL VOUCHER AND STATE THAT I PLAN TO GO HOME THE DAY OF THE MEETING AND AM STOPPED HALF-WAY BY ROADS CLOSED DUE TO SNOW, OR BY SOME OTHER NATURAL HAZARD?

When you return home, call the LSO Fiscal Officer or leave a message that you did not return as planned and the reason. Your voucher will be altered accordingly.

HOW DO I INDICATE THAT I WISH TO DECLINE PER DIEM WHEN THE MEETING OCCURRED IN MY HOME CITY OR WITHIN ONE DAY'S TRAVEL?

Simply write a statement on the reimbursement schedule. If you are declining per diem, write "NO PER DIEM REQUESTED"; If declining salary, write "NO SALARY REQUESTED"; if declining mileage, write "NO MILEAGE REQUESTED"; if declining both per diem and mileage, write "NO TRAVEL REQUESTED." **Note:** you may also decline portions of reimbursement, *e.g.*, "½ DAY SALARY ONLY REQUESTED."

WHAT IF I AM OVER OR UNDER PAID ON SOME PORTION OF A TRIP?

Call the LSO Fiscal Officer concerning the error so it may be corrected. Unless the overpayment is extreme, cash the check. Adjustments may be made on the next meeting you attend, or on another voucher.

IF I ATTEND A COMMITTEE MEETING FOR THE GOVERNOR OR ANOTHER BRANCH OF GOVERNMENT AND THEY REIMBURSE ME, MUST I ALERT THE LSO THAT I TOOK THE TRIP?

It is a good idea to alert the LSO Fiscal Officer who can coordinate with the agency to ensure you are not reimbursed by two State agencies for the same day. Also, it is more economical to the State if taxable items, *i.e.*, salary and federally taxable mileage, are placed on the Legislature's special payroll.

HOW SOON WILL I RECEIVE COMPENSATION FOR ATTENDING THE MEETING?

Normally within five (5) working days for items which are not subject to federal tax. However, salary and taxable per diem are reimbursed on the payroll only on the last day of each month.

C. FREQUENTLY ASKED QUESTIONS CONCERNING OUT-OF-STATE MEETINGS

WHAT TYPE OF RECEIPTS MUST I RETAIN TO ATTACH TO THE TRAVEL VOUCHER FOR AN OUT-OF-STATE MEETING?

The original motel/hotel bill and air receipt are required. Receipts are also required for meals and any incidental expenses including parking fees, taxis, shuttles, etc., over \$15.00. If you do not have a vendor's receipt you may submit a sworn statement attesting to the expenses.

I LOST THE HOTEL BILL, HOW DO I GET REIMBURSED?

You must contact the hotel and request a copy. The only other alternative is to request per diem in lieu of actual expenses if the hotel room is low enough that you could cover the room and meals on the \$109/day per diem.

IF I TAKE A GUEST, HOW IS REIMBURSEMENT HANDLED?

Note on the hotel bill the additional cost for the room and the tax which applies. If there is a special group rate for single or double, please note that as well.

Reimbursement is not allowed for: meals for spouse or any other guests; liquor; in-room movies; transportation for personal entertainment; and meals included in the registration fee. Do not include costs of meals or other expenditures paid for another legislator.

I PLAN TO SHARE A ROOM WITH ANOTHER LEGISLATOR. HOW DO WE PREPARE OUR TRAVEL EXPENSE VOUCHER?

The LSO Fiscal Officer has discussed this with a number of hotels and received this advice: When you check in at the hotel, request a separate billing. This is usually called an “A” billing. Each legislator will receive his or her own bill for half the cost of the room. Each legislator will have his or her own hotel bill to pay and submit with the voucher.

THERE ARE BIG SAVINGS IF I STAY OVER A SATURDAY NIGHT, BUT MY MEETING IS OVER BEFORE THAT. MAY I STAY OVER TO GET THE LOWER AIRFARE?

Yes. The guideline is “Whatever is the lesser . . .” Savings in airfare have been up to \$500 in some cases, which more than compensates for the cost of the room and meals to stay over another day. If the hotel room is \$160 and the airfare savings are \$145, the answer would be no, because it would cost more to stay over.

MAY I MAKE MY OWN MEETING REGISTRATION? HOW?

While the LSO is willing to do this for you, you may, of course, complete your own registration form. Do not pay the registration fee for yourself, just mark “bill the State” in the “voucher/purchase order” box, and enclose your check for any guests.

It is imperative you notify the LSO Fiscal Officer that you have made your own registration so she can add your name to the registration voucher eliminating the billing cost. In some cases, the Fiscal Officer also needs this information in order to pay the registration fee before the cut-off or discount date. Remember, you will only be reimbursed for the lowest amount offered for advance registration.

WILL THE LSO MAKE MY AIR AND HOTEL RESERVATIONS?

No. The LSO has no credit card to guarantee your hotel reservation and cannot make travel arrangements.

WILL THE LSO REIMBURSE MY AIRFARE IN ADVANCE OF THE TRIP?

Yes. You must provide a copy of the itinerary and proof you have paid for the ticket. **Note:** most travel agencies will bill the LSO directly for airline tickets.

MAY I STAY OVER TO INCLUDE A PERSONAL TRIP AFTER THE MEETING?

Yes. However, as with in-state meetings, state the dates of the personal trip on the reimbursement schedule. The personal days will be listed as such on the voucher and no reimbursement will be made for that portion of the trip.

MAY I FLY TO ANOTHER CITY ON MY RETURN TRIP?

Yes. However, ask your travel agent to give you a note of the amount due only for the official legislative trip if you pay the entire fare. If the fare is billed to the LSO, the amount due for official business and the amount due for the personal trip must be clearly noted.

WHAT IF I HAVE TO CANCEL A FLIGHT AT THE LAST MINUTE?

If the cancellation is due to a personal reason, you cannot be reimbursed. However, if you are ill and unable to fly, or there is a tragedy in your family, reimbursement may be possible.

LEGISLATIVE HANDBOOK

CHAPTER IV

BILL/AMENDMENT DRAFTING

1. REQUESTING A BILL DRAFT

- (a) Contact the LSO: The Legislative Service Office is available to every legislator to assist with bill drafting. Whether a legislator has only a question about legislation, a general idea for legislation, or the precise language wanted in a bill, the first step is to contact the LSO. The legislator will be put in contact with a member of the legal services staff who may assist by developing information or providing a bill draft.
- (b) Referral to Appropriate Staff Member: Although each member of the legal services division prepares bills on all topics, a bill drafting request may be referred to a staff member who has substantial background in that particular area. This is especially likely near the beginning of a session when time is critical.
- (c) Staff Assistance in Developing Ideas: Feel free to “bounce ideas” off the staff members since discussions with them are confidential. The staff member can provide helpful advice about the practical and technical feasibility of legislation, and can also advise about laws already on the books which may be in conflict. When an initial bill draft is returned to the sponsor, the drafter may include a note explaining potential constitutional or technical problems with the draft and also suggest possible solutions or alternatives for the sponsor’s consideration.

The staff is dedicated to drafting legislation that accomplishes the goal of the sponsor and is also concise, understandable, free of ambiguity, and constitutional.

- (d) Time Constraints: Legislators are encouraged to contact the LSO about drafting bills as early as possible prior to the session so the staff will have sufficient time to refine ideas into coherent legislation. Experience shows that bills drafted and introduced late in the process are more likely to “die in committee” or on General File. Furthermore, it is obviously much more difficult, if not impossible, to properly prepare a complex piece of legislation if the request is received close to the bill introduction deadline.

In cases where time is extremely limited, a sponsor may be asked to consider alternatives such as delaying action on the idea until the interim or referring the issue for interim committee study.

2. FINDING SAMPLE OR MODEL LEGISLATION

- (a) The LSO has copies of all bills introduced in the Wyoming Legislature since 1973. If a legislator has an idea for a bill which he or she believes was previously considered by the Wyoming Legislature, the LSO can provide a copy of that bill and prepare a new one modeled upon it. Bills introduced since 2001 are available on the legislative website.
- (b) The staff can also provide legislators with copies of uniform and model acts as well as legislation from other states. As legislators may be aware, many draft bills are based on similar laws in other states.
- (c) During the interim between legislative sessions, joint interim committees often develop legislation resulting from their assigned duties. A list of interim committee studies is available from the LSO and on the legislative website. If a legislator is considering legislation in an area under study by an interim committee, he or she should contact the LSO to determine what legislation, if any, the committee might be considering. A summary of committee sponsored legislation is posted on the legislative website prior to the beginning of each session.

3. BILL DRAFTING PRIORITIES

- (a) General Rule: To the extent possible, the LSO processes legislators' bill drafting requests in the order in which they are received.
- (b) Exceptions:
 - (i) Committee bills are given priority over individual legislator requests.
 - (ii) Action on a bill draft is sometimes delayed while the draftsman is waiting for additional information from the sponsor, agency, NCSL, etc.
 - (iii) To make the most efficient use of staff time, an attempt is made to keep a steady flow of bills going into the computer bill processing system. This may mean the LSO bill drafters occasionally interrupt their work on longer, more complicated drafting requests to quickly process and "feed" into the system a number of "simple" bills, *e.g.*, bills to re-introduce measures filed in a previous legislative session.
 - (iv) Within reason, the staff will attempt to honor a legislator's occasional special request for a "rush" priority for a bill draft, *e.g.*, a legislator may need to have a bill draft prepared quickly for use at a public speaking engagement. It is expected that such requests will be made sparingly since a request for priority by one legislator necessarily means that another legislator's prior request for a bill draft will be delayed.

4. CONFIDENTIALITY OF BILL DRAFTS

- (a) Except as provided in subsection (c) below, the LSO treats bill drafting requests as confidential and the contents of proposed legislation will not be divulged to anyone without the specific consent of the sponsor, or until a sponsor approval form for the bill is signed and returned.
- (b) Due to this rule of confidentiality, legislators may occasionally experience one of the following types of administrative delays:
 - (i) *Scenario 1:* A legislator requests a bill draft which impacts a State agency. LSO staff calls the agency for information and advises that an unnamed legislator is working on a bill draft. The agency wants to know the legislator's name in order to make direct contact. LSO staff declines disclosure at that time but agrees to contact the legislator to request permission to disclose the legislator's name. LSO staff calls the legislator, then advises the agency.
 - (ii) *Scenario 2:* A legislator requests a bill draft and then advises a constituent or other interested party to contact the LSO for a copy. The interested party calls the LSO and is advised of the confidentiality rules and that the staff cannot even confirm whether a bill draft request has been submitted to the LSO by that particular legislator. The interested party then must call the legislator and request the legislator call the LSO directly and authorize release of the draft. To avoid this delay, the legislator should call the LSO directly to authorize release of a bill draft to a member of the public.
- (c) Disclosure of Draft Request to Subsequent Requesting Legislator: It is extremely common for more than one legislator to request a bill draft on the same topic. Furthermore, in most cases, legislators requesting the same draft are willing to co-sponsor a bill rather than proceeding with separate identical bills. To facilitate this process, the Management Council has approved the following procedure which constitutes an implied waiver of confidentiality:

If a legislator contacts the LSO and requests a bill draft, his or her name will be disclosed to a subsequent legislator requesting the same bill draft **unless** the first legislator specifically requests his or her name not be disclosed. Note that this exception to the normal rule of confidentiality applies only to subsequent legislators requesting a similar bill and disclosure will not be made to the general public.

5. SPONSOR APPROVAL OF BILL DRAFTS/CO-SPONSORS

Following is a summary of the current sponsor/co-sponsor procedure approved by the Management Council. **Note:** A computerized process for handling sponsor/co-sponsor approvals was implemented in the 2017 General Session.

(a) Standard Sponsor Approval Procedures:

- (i) As soon as a bill draft is in final form and the fiscal note, if any, is complete, the LSO sends the prime sponsor a “green sheet” approval form which the prime sponsor holds until he or she has received the postcard approval forms from his or her co-sponsors.
- (ii) Subject to the limitation in subsection (b) below, the LSO sends postcard approval forms to each potential co-sponsor designated by the prime sponsor. The postcards are postage paid and pre-addressed to the prime sponsor.
- (iii) Co-sponsors mail their postcard approval forms directly to the prime sponsor. If a co-sponsor has suggested changes for the bill, he or she contacts the prime sponsor who then decides whether to direct the LSO to make the changes.
- (iv) After collecting the co-sponsor postcard approval forms (**note:** the prime sponsor may wait as long as he or she desires), the prime sponsor sends them, together with the “green sheet” approval form, to the LSO.
- (v) When the “green sheet” approving the draft without changes, plus any co-sponsor approval forms, are received at the LSO, the bill is immediately pre-filed and assigned a bill number. If the sponsor requests substantive changes to the bill draft, the approval process begins again.

(b) Limit on Number of Co-Sponsors: In accordance with Management Council policy, the LSO will not send out more than 15 co-sponsor approval forms unless the prime sponsor obtains approval for a greater number from the leader of the prime sponsor’s party in the house of which the prime sponsor is a member (*i.e.*, the Speaker or President in the case of the majority party, otherwise, the Minority Floor Leader).

(c) Adding Late Co-Sponsors: Co-sponsor names will appear on the introduced version of a bill only if a postcard approval form for that co-sponsor accompanied the prime sponsor’s “green sheet” sent to the LSO. No co-sponsor name can be added on the **initial printed bill** after the “green sheet” is received by the LSO so it is important the prime sponsor hold the “green sheet” until he or she has collected all the co-sponsor approvals desired.

Note: Co-sponsors may be added by signing the bill jacket before introduction, in which case their names will appear as a co-sponsor in the Journal and on subsequent engrossed copies of the bill, but will not be printed on the original introduced bill.

- (d) “Held” Bill Drafts: At a point in time immediately preceding each legislative session, the LSO ceases the normal practice of mailing out sponsor/co-sponsor forms and instead “holds” all remaining bill drafts for processing under the following special sponsor approval procedures:
 - (i) When the sponsor arrives in Cheyenne for the session, the LSO provides him or her a combined sponsor/co-sponsor approval form. The sponsor is then responsible for obtaining the signatures of co-sponsors on the form.
 - (ii) No time limit exists on returning the form, however, the bill will not be processed further until the form is submitted. Once the form is submitted by the sponsor, the bill is immediately numbered and no additional co-sponsors may be added (*see* limited exception under 5(c) above).
 - (iii) If the prime sponsor decides to make a substantive change in the bill after beginning to collect co-sponsor signatures, another co-sponsor signature form will be prepared for the sponsor to use in obtaining signatures for the revised bill draft.

6. FISCAL NOTES FOR BILL DRAFTS

- (a) W.S. 28-8-105(d) requires the LSO to provide a fiscal note for each bill having a fiscal impact, indicating “fiscal and personnel impact and revenue generated or required by the legislation.”

This provision has been interpreted to require an analysis of the fiscal impact of the bill **on State government only**.

- (b) In preparing fiscal notes, the LSO Budget and Fiscal section routinely submits a copy of the draft bill to State agencies affected by the legislation for input. Agencies are afforded a limited time from the date of request to develop information. The bill sponsor’s name is not released to the agency unless specifically authorized by the sponsor.
- (c) If a bill is determined to have fiscal impact, sponsor/co-sponsor approval forms are not sent out until the fiscal note is complete.
- (d) The LSO does not begin preparing fiscal notes until November of each year. In the case of bills drafted before that date, a working draft of the bill is sent to the sponsor with a notation the fiscal impact analysis is pending. Subsequently, after

the fiscal note is completed, a final copy of the bill is mailed to the sponsor together with the appropriate sponsor approval form.

7. PRE-FILING AND ASSIGNMENT OF BILL NUMBERS

Getting a bill assigned a bill number requires finalization of the fiscal note and receipt by the LSO of all sponsor/co-sponsor approval forms. Bills receive numbers in the order in which approval forms are received, except that certain bill numbers are “reserved” for general appropriations bills.

A bill which is assigned a number and “pre-filed” before the commencement of a session is posted on the legislative website. A hard copy is available to the public upon request and payment of copying fees.

Bill may be pre-filed only by an incumbent legislator, a legislator-elect, or a legislative committee.

8. LIMIT ON NUMBER OF BILLS FOR INTRODUCTION

Senate Rules currently limit the number of bills which an individual Senator may introduce to three (3) bills in a Budget Session and seven (7) bills in any other session. (Bills which solely repeal laws are not subject to this limitation.) The LSO will draft **any number of bill drafts** requested by a Senator. However, the LSO will keep a record of those drafts the Senator approves for introduction as **prime** sponsor in the order they are received. Once a Senator has approved the maximum number of bills allowed for jacketing, the Senator will be so advised. No further approval of bills for introduction will be processed unless the Senator withdraws a bill previously approved and submitted for sponsorship. However, when the session convenes, a Senator may move for suspension of the rules to introduce bill drafts in excess of the maximum authorized. Additional bill drafts will not be jacketed and assigned a bill number until a motion to suspend the rules is adopted and the draft is approved for introduction. (*See* Senate Rules for additional details.)

The House of Representatives limits the number of bills a member may introduce in a Budget Session to five (5), however, there is no limitation on the number of bills which a member of the House may offer for introduction in a General Session. The rules implementing this limitation in the House are the same as described above for Senate Files.

9. BILL INTRODUCTION DEADLINE

Senate Rules 4-5 and 13-2 and House Rules 4-5 and 13-2 establish deadlines for the last date on which bills may be introduced each session. The rules state the bill must be “drafted and signed” prior to the cut-off date and time. This does **not** mean a legislator has merely made a drafting request to the LSO by the deadline. Rather, it means the legislator has made a request to the LSO in sufficient time so the LSO actually has

completed the draft and the legislator has approved the draft prior to the deadline. Drafts which meet this deadline will be processed for introduction.

10. AMENDMENT PROCEDURES

(a) Requesting an Amendment

- (i) During session, amendments are prepared by members of the LSO legal services division working in the House and Senate attorneys' offices located adjacent to the House and Senate chambers. These are the same staff members legislators work with year round in interim committee studies and in drafting bills prior to session.
- (ii) There is no particular formality in submitting amendment requests. A request may be communicated orally or in writing to one of the staff, however, sufficient instructions should be given to enable the staff member to clearly understand what is trying to be accomplished. As in the case of bill drafting, a legislator may feel free to "bounce ideas" off the staff and rely upon them to help develop the idea into an appropriately worded amendment.
- (iii) It is extremely helpful to the staff for sponsors to request assistance on a lengthy or complicated amendment early in the day or on the day prior to the floor debate. This allows time to ensure the amendment is in proper form and legally correct.

- (b) Amendment Drafting Priorities: To the extent possible, amendments to the same bill are drafted in the order submitted to the House and Senate attorneys. However, since more than one staff member may be drafting amendments to the same bill, and each staff member is generally working on a backlog of amendments to a number of different bills, it is impossible to guarantee strict priority in the numbering of amendments.

(c) Confidentiality of Amendments:

- (i) General rule – implied waiver of confidentiality. Unless confidentiality is specifically requested, the LSO staff will assume the legislator has waived confidentiality regarding requests for amendments during the session, at least as to other legislators. This general rule results from several practical considerations:
 - (A) In light of limited staff size and the quick response time often necessary to prepare amendments, it is often impossible to locate the first legislator who requests an amendment to get his or her permission to disclose its contents – or his or her identity – to a second legislator who has asked for a substantially similar draft. It

is likewise impractical to prepare and distribute duplicate amendments.

- (B) To properly draft a subsequent amendment, it is often necessary to delete or amend an amendment which precedes it in the event the prior amendment passes. In many cases it would be impossible to draft or explain the second amendment to the second legislator without discussing the first amendment.

(ii) Exceptions:

- (A) The text of an amendment which has been prepared as a “proposed amendment” will generally be treated as confidential, however, to avoid preparing duplicate amendments, a subsequent legislator asking for a substantially similar amendment will be advised of the name of the first legislator who is working on a similar proposal.
- (B) If specifically requested, the staff will treat a numbered amendment as confidential in which case all copies of the amendment will be held until the legislator authorizes floor distribution.

(iii) Distribution of Amendments:

- (A) House Procedure: Unless otherwise specifically requested by the sponsor, amendments which have been assigned a number are sent for reproduction and distribution on the floor and are made available to the public immediately upon completion of the previous reading of the bill, *i.e.*, 3rd reading amendments are distributed after 2nd reading on the bill is finished.
 - (B) Senate Procedure: Although the Senate attorneys, if asked, will disclose the text of a numbered amendment to another Senator, it has been the past practice that a numbered amendment is not distributed to the Senate body or released to the public until the scheduled date of the particular reading of the bill for which the amendment has been prepared.
- (d) Sponsor Approval of Amendments: Due to time constraints and the difficulty of locating sponsors during the session, amendments (other than those prepared as “proposed”) are sent immediately for distribution **without first being returned to the sponsor for approval** unless specifically requested by the sponsor or unless the staff member has a question for the sponsor.
- (e) Amendment Co-Sponsors: Although most amendments are individually sponsored, legislators occasionally request that co-sponsors be listed on an

amendment. It is presumed the prime sponsor has obtained the consent of the co-sponsors and their names are listed on the amendment without an attempt being made by the staff to independently confirm their approval.

While there is no formal limit in the House Rules on the number of co-sponsors to be listed on an amendment, the custom of the House of Representatives is to limit the total number of sponsors on an amendment to four. The custom of the Senate has been to limit the number of sponsors on an amendment to five.

11. RESOLUTIONS

Resolutions may be promulgated or adopted by the Wyoming Legislature through either a formal or informal process.

- (a) Formal Resolutions: Formal Joint Resolutions are processed in the same manner as House Bills and Senate Files and require the affirmative vote of both bodies.

Formal Resolutions generally fall into three categories: (1) Petitions or requests to Congress to take, or refrain from taking, proposed action; (2) Ratification of amendments to the United States Constitution or Resolutions calling for a convention to propose amendments to the United States Constitution; and (3) Resolutions proposing amendments to the Wyoming Constitution to be submitted to the vote of the electors ($\frac{2}{3}$ vote of each house required).

- (b) Informal Resolutions/Memorials: While a number of other states spend considerable time processing, discussing and voting on “ceremonial” or “laudatory” Joint Memorials and Resolutions, or Resolutions expressing the Legislature’s position on an issue but which call for no specific governmental action, the Wyoming Legislature has chosen to save valuable legislative time by handling such matters through an informal process. For example:

- (i) Upon the death of a former legislator, a Joint Memorial recognizing the legislator’s service to the State and expressing the Legislature’s sympathy to the family is automatically prepared by the LSO and signed by the President of the Senate and the Speaker of the House.
 - (ii) Resolutions such as those expressing congratulations to, or otherwise recognizing the accomplishments of individuals, are prepared in a format which allows for the signature of assenting members of the House and Senate but are not introduced or processed as formal bills or resolutions.

NOTE: Informal resolutions are limited to those which do not involve issues of public policy. A resolution which makes recommendations about official government action to government officials, officers or entities does not qualify for this “informal” resolution process. Any issue concerning whether a resolution qualifies for the informal process will be submitted to the majority and minority floor leaders of the legislator’s house for resolution.

LEGISLATIVE HANDBOOK

CHAPTER V

MISCELLANEOUS SESSION PROCEDURES AND OPERATIONS

1. RULES AND MANUALS GOVERNING GENERAL OPERATING PROCEDURES

The day to day operations of the House and Senate are conducted in accordance with the following in the priority specified (*see* House and Senate Joint Rule 10):

- Rules of the Senate and House of Representatives
- Wyoming Manual of Legislative Procedures
- Mason's Manual of Legislative Procedure

Please consult those authorities regarding:

- Rules of parliamentary procedure
- Election and duties of House and Senate officers
- Rules of decorum in the House and Senate
- Formation and duties of standing committees
- Introduction and assignment of bills to committee
- Committee of the Whole, second and third reading procedures
- Motions and regulation of floor debate
- Special procedural rules, *e.g.*, call of the House

2. LEGISLATIVE ETHICS AND CONFLICT OF INTEREST

While there currently exists no single code of ethical standards for legislators, the following provisions provide general guidance and identify certain prohibited acts:

- (a) Wyoming Constitution Article 3, Section 12, provides each house has the power to punish its members for “disorderly behavior” and to protect its members against “offers of bribes or private solicitation.”
- (b) Wyoming Constitution Article 3, Section 42, prohibits a legislator from offering or promising to vote for or against a measure, or otherwise exert his or her influence, in exchange for another legislator’s vote or promise of influence on any other measure.
- (c) Wyoming Constitution Article 3, Section 46, provides:

“A member who has a personal or private interest in any measure or bill proposed or pending before the legislature shall disclose the fact to the house of which he is a member, and shall not vote thereon.”

- (d) W.S. 6-5-102 makes it a felony for any public servant (including a legislator) to solicit or accept a pecuniary benefit or privilege in exchange for his or her vote or action.
- (e) Senate Rule 12-2(b) requires members to disclose and abstain from voting on bills in which they have a personal or private interest. A member who is uncertain whether he or she has a conflict may request a ruling from the Senate Rules Committee.
- (f) Senate Rule 12-2(a) provides that a conflict of interest declared by a member of the Senate shall be entered in the Journal.
- (g) House Rule 12-3(a) requires members to disclose and abstain from voting on bills in which they have a personal or private interest. Rule 12-3(e) provides procedures to request a ruling on a potential conflict.
- (h) House Rule 12-3(d) defines “personal or private interest” to mean a direct financial gain or loss but excluding any gain or loss to a member that is also incurred by a substantial class of persons.
- (i) In 1998, the Wyoming Legislature passed the Ethics and Disclosure Act, W.S. 9-13-101 through 9-13-109. The Act essentially prohibits the receipt of any gift which resulted from the holding of office. W.S. 9-13-103(a) states: “No public official . . . shall use his office or position for his private benefit.” The statute goes on to define “private benefit” as the receipt of a gift “which resulted from his holding that office.” “Gift” is defined in W.S. 9-13-102(a)(vi) as “anything of value to the extent that consideration of equal or greater value is not received.” “Anything of value” is defined by W.S. 9-13-102(a)(i) to include almost anything which is “pecuniary or compensatory in value to a person.” In 1999, the Legislature amended the Act by providing exceptions to the definition of “gift.” W.S. 9-13-202(a)(vi). “Gift” now excludes any item less than \$250 in value, any food or beverage, and any travel while attending in a legislator’s official capacity.

For more detailed information regarding the Ethics and Disclosure Act, see the pamphlet drafted by the LSO on this subject.

3. LOBBYISTS

During the brief Wyoming legislative sessions, legislators may expect to be contacted by numerous individuals desiring to influence their opinions and, ultimately, their votes. These contacts may range from informal calls and letters from individual constituents back home to varying methods and degrees of solicitation by paid professional lobbyists.

Lobbyists are important to the legislative process both in providing information and in communicating to legislators the opinions of the individuals or groups represented by the

lobbyist. Over the years, many Wyoming legislators have been fortunate in developing good working relationships with a number of lobbyists whom they trust and look to for reliable information and assistance.

While the Wyoming Criminal Code provides serious penalties to discourage unlawful lobbying activities, W.S. 6-5-102, it is ultimately the responsibility of each individual legislator to ensure he or she does not encourage or allow himself or herself to become subject to improper influence.

W.S. 28-7-101 requires individuals who receive expense reimbursement or compensation for lobbying on behalf of others must register with the Secretary of State. Lobbyist activity reports must be filed in accordance with W.S. 28-7-201 if reportable expenses exceed \$500.00.

Lobbying within the House or Senate Chamber is prohibited by the rules of the House and Senate.

The Wyoming Capitol Club is an organization of registered, professional lobbyists who lobby before the Wyoming Legislature. The Capitol Club sponsors a message center located in the Capitol Complex to allow legislators, lobbyists and others to leave messages for individuals other than legislators during the session. The Wyoming Capitol Club also publishes a directory of member lobbyists and provides its members with limited access to photocopy and fax services. (Source: the Wyoming Capitol Club Membership Directory – 2014.)

4. PRESS

Representatives of the press, radio and television have limited access to the floor of either chamber.

Interviews with legislators are normally conducted in the House or Senate lobby areas, in the main hallways of the second floor of the Capitol, or in the news room shared by the media on the third floor of the Capitol.

Due to noise concerns, it is inappropriate to conduct interviews in the area behind the glass partition at the rear of either chamber.

5. MONITORING PROGRESS OF BILLS

- (a) Telephone Bill Status: A toll-free bill status information service (in-state calls only) is available each weekday during the session. This is a limited service which allows the caller to determine the current status of a bill but not information concerning the contents of the bill. The number is (800) 342-9570.

- (b) On-Line Bill Status: On-line access to bill status reports, committee meeting notices and legislative calendars is available via the Legislature's website: www.wyoleg.gov.
- (c) Meeting Notices: Standing committees generally provide advance notice of meetings at which bills will be discussed. Meeting notices are posted in the designated areas in the Capitol and are published in the House and Senate calendars. These notices are generally posted in the Capitol by 3:00 p.m. (and on the legislative website by 3:30 p.m.) on the legislative day preceding the day of the meeting.
- (d) Calendars: Following the close of business each legislative day, both the House and Senate prepare a calendar listing: bills scheduled for second and third reading on the following day; bills reported out of committee and on general file; and committee meeting notices. The daily calendar is posted on-line and hard copies are available each morning.
- (e) The LSO Bill Status Report (purple sheet): The LSO prepares a daily status report listing the last action taken on each bill and whether the bill is scheduled for further action on the day of the report. The purple sheet is available in hard copy in the Capitol and is also posted on the Legislature's website.
- (f) Legislator Intranet – Bill Information: The LSO IT staff created a web application to allow easy tracking of bills. With the application, a legislator is able to create a custom list of bills he or she is interested in following and then monitor the status of each bill. Contact the LSO IT staff to access the Legislator Intranet.

6. PRESENTATION OF BILL TO STANDING COMMITTEE

Following introduction, bills are assigned to a standing committee for hearing, debate, possible amendments, and recommendation back to the full House or Senate.

- (a) Notice of Meeting: Notice of the standing committee meeting at which a bill is to be considered will be published in the House or Senate calendar posted on the legislative website, and posted in designated areas in the State Capitol. It is also the normal practice for the committee secretary to provide special written notice of the meeting to the bill sponsor.
- (b) Appearance at Meeting: The bill sponsor, or a designated representative, should be present promptly at the time the bill is scheduled to be heard. If the sponsor cannot appear, he or she should notify the standing committee chairman as soon as possible and request a postponement of the hearing.
- (c) Presentation of Testimony: The normal practice is for the sponsor to speak first and present a summary of each provision in the bill. The sponsor may ask the

constituent or lobbyist who suggested the legislation to provide additional information and to answer questions. If the sponsor brings several witnesses, he or she should ensure their testimony is not repetitive. If a written statement is presented, sufficient copies should be provided so each committee member and the committee secretary receive copies. Following presentation by the sponsor and witnesses, the chairman will allow time for others wishing to provide testimony and for committee questions. Often, the committee will not begin “working” the bill (discussing amendments) or vote on a recommendation until a subsequent meeting.

A brochure is available in the LSO which provides general information to members of the public explaining how to make a presentation to a legislative committee.

7. COLLEGE AND HIGH SCHOOL INTERNS; LEGISLATOR AIDES; GUESTS; AND LEGISLATIVE PAGES

A variety of individuals assist members of the Wyoming Legislature during annual legislative sessions. Descriptions of the various programs sponsored by the Wyoming Legislature are described below. The college and high school intern program, the legislator aide program, and the legislator guest program are governed by Management Council Policy, which provides more detail about these programs.

Students who are enrolled at an institution of higher education and are receiving academic credit for their work at the Legislature are designated as college interns. These students are available to perform work for all legislators, and may also be assigned to specific individual legislators, if requested by individual members. Legislators may sponsor high school students to participate as high school interns. Individuals who register to assist legislators during the session and who are at least 18 years old and not in high school are designated as legislator aides. Individuals who are not providing research or other assistance to legislators, but are visiting members for a time-limited basis, may be badged as legislator guests. Each legislator is allowed to sponsor two individuals as legislative high school interns, aides or guests. Legislative pages deliver messages to legislators on the floor and report to the House and Senate session staff. More information about how to participate in these programs is outlined below.

Assignment of College Interns to Individual Legislators

University of Wyoming students and community college students are assigned to an intern “pool” allowing any legislator to request intern assistance through the Intern Office. Many legislators know college students who might be willing to serve as interns. If a legislator is aware of college students who would like to serve as interns for the Wyoming Legislature, the legislator should contact them and tell them to work through their institutions’ political science departments directly. The University of Wyoming and many community colleges offer academic credit to students who serve as interns.

Students are selected to participate in the internship program by their colleges. Participants also do not need to major in political science to participate.

Interns are non-partisan and are not allowed to lobby or advocate for issues on their own behalf while participating in the program. Rather, interns work on behalf of the legislators or committees to whom they are assigned. The purpose of the internship program is to learn first-hand about the legislative process by assisting legislators and committees with their workload, not to influence public policy.

High School Interns

Legislators may sponsor local high school students to serve as a high school intern during the legislative session. Only high school students of junior or senior standing who are at least 16 years old will be allowed to participate in the high school intern program. Relatives of legislators participating in the high school internship program will not be assigned to that legislator. Participating high school students are required to serve for a minimum of two weeks during the session. Participating students must obtain signed permission to participate in the program from their school principal and from their parents or legal guardians. The sponsoring school must provide an academic component for the student to participate in the program.

Legislator Aides

Individuals who are providing research and other assistance to legislators, who are not enrolled in an academic institution participating through the Wyoming Legislative Internship Program, will be badged as legislator aides. Legislator aides must be at least 18 years old and not in high school. The sponsoring legislator is solely responsible for supervision of his or her legislator aide. The LSO, Intern Coordinator, House and Senate staff are not responsible for supervising legislator aides.

Legislator Guests

Individuals who are not providing research or other assistance to legislators, but are visiting members for a time-limited basis, may be badged as legislator guests. These individuals may include adults, as well as children who are relatives of legislators. The purpose of the legislator guest badge is to provide very limited access to the chambers and break rooms. The badge is provided as a convenience to members who may not be available, while on the floor, to escort guests to restricted areas. However, this badge does not provide unrestricted access to the chamber hallways and the House and Senate break rooms. The sponsoring legislator is solely responsible for supervision of his or her legislative guests. The LSO, Intern Coordinator, House and Senate staff are not responsible for supervising legislative guests.

Legislative Pages

While legislative interns are under the supervision of the LSO's Intern Coordinator, and aides and guests are under the supervision of individual legislators, legislative pages report to the House and Senate Chief Clerks. The Chief Clerk of each chamber is responsible for selecting the legislative pages. In the past, many pages have been high school students, often recommended by the Speaker and the President. Pages are paid for their services during the session, whereas interns receive academic credit, and aides are volunteers. Pages work on the floor of the House and the Senate and are responsible for the receipt and delivery of messages, documents, and other items to and from the members. Individuals who are interested in serving as pages should contact the House or Senate Chief Clerk no later than August to indicate their desire to serve. The LSO can put interested applicants in touch with the Chief Clerks.

8. HOUSE CLERICAL ASSISTANTS

The House of Representatives authorizes the use of part-time clerical assistants subject to the following guidelines approved by the Management Council:

- (a) Clerical Assistants (CAs) are part of the House's session staff and are assigned on the basis of one CA to each six legislators.
- (b) CAs work mornings before session begins and are authorized to provide the following services:
 - (i) Filing bills in binders or other bill filing system.
 - (ii) Placing amendments in a file in the order in which they will be considered during the day.
 - (iii) Opening mail and placing it in a folder.
 - (iv) Obtaining office supplies.
 - (v) Delivering or receiving messages or documents to or from legislative staff or legislators (except CAs are not permitted on the floor when the House is in session). This would include obtaining photocopies, typing services, etc.
- (c) CAs will **not** perform the following tasks:
 - (i) Typing.
 - (ii) Substantive tasks that would usually be performed by the LSO staff (*e.g.*, research) or interns (*e.g.*, calling constituents, etc.).
- (d) CAs are assigned to legislators in advance of the session. Assignments will be made so each CA serves six legislators whose desks on the floor are physically close together.
- (e) A CA Supervisor and the CAs are hired by the House staff.

9. CONTACTING LEGISLATORS DURING SESSION

- (a) During the legislative session, constituents may recommend support for, opposition to a particular piece of legislation by using the On-line Hotline. In addition to expressing support for, or opposition to, an identified bill, the public may also leave a short comment regarding the bill. This service is available on the Legislature's website at www.wyoleg.gov. The telephone hotline is also available toll-free for those without internet access. Within Wyoming, the number is (866) 996-8683, and for local callers within the Cheyenne area, it is 777-8683. Callers will not be able to leave comments regarding a bill. The information provided is considered a public record.
- (b) Constituents may call the House or Senate receptionist to leave a message. The Senate receptionist may be reached at (307) 777-7711, and the House receptionist may be reached at (307) 777-7852.
- (c) All legislators receive a Wyoming Legislature e-mail account after being elected. Many legislators use e-mail to correspond with their constituents and other members of the public. Legislators may be contacted by e-mail using their firstname.lastname@wyoleg.gov. Contact information is also listed on the Legislature's website at www.wyoleg.gov.
- (d) Individuals in the Capitol wishing to speak to a legislator while the House or Senate is in session may present a written message to the receptionist or doorman in the House or Senate lobby. The message will be delivered on the floor by a page and the legislator will determine whether he or she can leave the floor to meet in the lobby with the individual.

10. VISITORS TO THE HOUSE OR SENATE

Seating for visitors is provided in the galleries on the third floor of the House and Senate. Visitors wishing to contact a legislator may present a written message to the receptionist or doorman in the lobby of the House or Senate to be delivered to the legislator. While the House or Senate is in session, a legislator may introduce visitors in the gallery by requesting privilege of the floor.

11. SESSION STAFF

In addition to the Legislature's full-time LSO employees, the House and Senate employ temporary staff (including Chief Clerks, Administrative Assistants, terminal operators, committee secretaries, watchmen, pages, etc.) to assist during each legislative session. Session staff operate under the general direction and control of the Chief Clerk in the House and Senate. A detailed position description for each member of the session staff is provided in the Session Staff Manual.

The LSO and the House and Senate staffs, though technically separate, work as a team to support the Legislature.

12. COURTESY FUND

Before the end of each session, legislators and members of the staff of the House and Senate are assessed a nominal amount for the Courtesy Fund. The fund is used to offset the cost of refreshments in the House and Senate coffee rooms and to pay for flowers, cards, etc., sent in cases of illness or bereavement.

13. HOUSE AND SENATE COFFEE ROOMS

Please observe the following guidelines relating to operation of the House and Senate coffee rooms:

- (a) Due to limited space, use of each coffee room is restricted to legislators, legislative staff, and the family and personal guests of legislators. The coffee room is not open to lobbyists, members of the press, or the general public.
- (b) Refreshments in the coffee room are available to legislators and staff, including student interns and legislative aides, only if they have contributed to the Courtesy Fund. All others are expected to pay the posted amount for refreshments under the honor system.
- (c) Please do not leave children unattended in the coffee room.

14. COMMITTEE MEETINGS – COMPLIANCE WITH THE ADA

The Management Council has approved the following policy to ensure compliance with the spirit and intent of the Americans with Disabilities Act (ADA):

During the course of a legislative session, should a standing committee chairman, a member of the Legislature or any session staff receive a request from a member of the public for the accommodation of a hearing impaired person through the use of an interpreter, that person should contact: (1) the Administrative Assistant for the house of the legislator involved; or (2) the LSO, who will make reasonable efforts to arrange for an interpreter. Legislative proceedings will not be delayed because of the request.

LEGISLATIVE HANDBOOK

CHAPTER VI

INTERIM ACTIVITIES AND OPERATIONS

A. INTERIM COMMITTEES

1. FORMATION AND FUNCTION

- (a) When the Legislature is not in session, the respective standing committees of the House and Senate combine to function as “joint interim” committees. W.S. 28-8-104(b).
- (b) Interim committees generally meet for the first time near the date of adjournment of each session to organize, elect officers, adopt committee rules and discuss possible interim study topics. A prioritized list of study requests is prepared by the interim committee chairman for submission to the Management Council.
- (c) Study assignments and budgets for interim committees are subject to review and approval by the Management Council.

Limited funds available for interim committee studies are allocated among the various committees by the Management Council based upon the workload approved for each committee.

- (d) Regulations relating to compensation and travel expense reimbursement for legislators attending interim committee meetings are discussed in Chapter III of this Handbook.

2. INTERIM STUDIES

- (a) Topics: Topics for interim study may result from specific legislation, suggestions by individual members of the committee or assignment by the Management Council.

Interim studies generally focus on “major” problems or proposals which require significant research, discussion and opportunity for public comment. In addition, interim committees traditionally sponsor technical or other “clean up” legislation relating to government programs within their particular areas of concern.

- (b) Committee Reports/Bills: Joint interim committees generally report back to the full Legislature via proposed legislation. Due to the extensive effort put into such legislation by the committees, joint interim committee bills are generally afforded priority in scheduling during the legislative session.

- (c) Subcommittees: On occasion, subcommittees may also be appointed to study or prepare draft legislation on specific issues and to report back to the full committee.

3. ASSIGNMENT OF COMMITTEE STAFF

Staff support for each joint interim committee is provided by the LSO. Generally, one member of the legal services division is assigned as the primary committee staff for each interim committee. Due to the limited size of the LSO, this means each member of the legal services division serves as staff to two full committees in addition to staffing special task forces and all subcommittees appointed by each full committee.

The LSO budget and fiscal section provides staff support to the Joint Appropriations Committee and other committees needing fiscal analysis, such as the Revenue and Education Committees. The LSO program evaluators serve as staff to the Management Audit Committee.

4. INTERIM COMMITTEE MEETINGS

- (a) Full interim committees typically meet three times each year between legislative sessions to work on assigned studies.
- (b) Notice of each interim committee meeting is e-mailed out 15 days in advance. Hard copies of the notice are mailed if requested by a legislator. The Legislature's website includes a schedule of meetings and meeting notices and are sent to the media through an e-mail subscription service.
- (c) Management Council typically requests interim committees attempt to schedule meetings so the bulk of interim work is completed by November 1st each year. This is necessary to enable the LSO staff to devote adequate time to drafting individual bill requests prior to the legislative session.
- (d) A typical one-day meeting of an interim committee in Cheyenne or Casper may cost as much as \$10,000 if the entire committee attends. In light of this expense, it is very important to know whether a quorum of the committee will attend to transact business, or whether the meeting should be postponed or cancelled. To help the committee chairman make this important determination:
 - (i) As soon as a notice of an interim committee meeting is received, e-mail or send in the response postcard indicating attendance.
 - (ii) If a legislator has indicated he or she will attend a meeting and subsequent circumstances prevent him or her from attending, the legislator should contact the LSO immediately.

5. COMPLIANCE WITH AMERICANS WITH DISABILITIES ACT

The Management Council has approved the following policies to ensure compliance with the spirit and intent of the ADA:

- (a) Interim committee meeting sites will be scheduled by the LSO staff to ensure the sites are readily accessible to persons with mobility impairments.
- (b) All meeting notices from interim committee meetings will contain a statement asking persons with disabilities who need special accommodation to contact the LSO.
- (c) If persons with hearing impairments request accommodation by the use of an interpreter, the LSO will attempt to arrange for an interpreter to be present at the meeting.

B. CONSTITUENT SERVICES

1. EXPENSE ALLOWANCE

As noted in Chapter III of this Handbook, legislators are authorized a quarterly allowance to defray the expenses incurred by the legislator in providing constituent services.

2. LSO STAFF SUPPORT

While it is difficult to state a simple rule as to the extent the LSO may assist individual legislators in responding to constituent questions, the following examples may be helpful:

- (a) First, the LSO staff is always available to answer factual and statutory questions, *e.g.*, how much was spent for a certain project; is there a statute covering this area?
- (b) Second, the LSO staff may help a legislator identify the particular agency or even the individual State officer or employee who has responsibility for a certain function. This can save the legislator time – and the legislative budget the expense – of several long distance calls to Cheyenne.
- (c) Third, the LSO **may not** serve as an advocate for a legislator's constituent in a matter involving a State agency, *e.g.*, the LSO may not assist with a problem regarding a constituent's worker's compensation claim.

In summary, if a legislator's request is similar to the first two examples, the LSO will be able to assist the member. If it is more like the third example, no assistance will be available. Do not hesitate to contact the director or assistant director with any questions concerning this policy.

C. SPECIAL INTERIM EVENTS

1. SCHOOL FOR NEW LEGISLATORS

Prior to the convening of the first legislative session after each general election, new legislators are invited to attend a “school” offering training in various aspects of legislative procedure.

Classes are presented by veteran legislators of both parties and, in the past, have included topics such as: rules governing floor debate (including a mock legislative session); committee rules and procedures; bill processing; conflict of interest; lobbyists and news media relations; and budget and fiscal overview. New legislators are generally authorized per diem and salary for attending the legislative school.

2. BUDGET BRIEFING

Although not a formal annual event, members of the Joint Appropriations Committee, or the JAC’s staff, have occasionally, in the past, provided a budget briefing for other legislators prior to commencement of the session. Advance notice of such training opportunities will be provided by the LSO.

LEGISLATIVE HANDBOOK

CHAPTER VII

BUDGET/FISCAL INFORMATION

Appropriating public funds for the operation of State government is perhaps the single most important task facing Wyoming legislators. This chapter provides a brief introduction to the State budget process, including an explanation of the operations of the Consensus Revenue Estimating Group (CREG) and the Legislature's Joint Appropriations Committee.

This chapter also outlines the various responsibilities for the LSO budget/fiscal staff and lists a number of publications prepared by the LSO to assist legislators in understanding and managing the State's budget.

1. BUDGET PROCESS – EXECUTIVE BRANCH

- (a) Budget Period: The State of Wyoming operates on a biennial budget for all agencies, including the University of Wyoming, community colleges, and for State funding of K-12 education. That is, budgets are built for two fiscal years of operations. The fiscal year begins July 1st and ends on the following June 30th. Budget requests are prepared by agency fiscal personnel in conjunction with the Budget Division of the Department of Administration and Information. The Budget Division is the central budget office for all State government and is often referred to as the "Governor's Budget Office."
- (b) Standard and Exception Budget Requests: The biennial budget process begins during the summer months of odd-numbered calendar years, prior to a Budget Session of the Legislature. The Budget Division prepares a "standard" budget request for each agency and submits the standard budget to each agency in July. The standard budget is roughly equivalent to what each agency received for the prior biennium with adjustments made for legislative or executive approved revisions into or out of each agency's budget.

After the development of the standard budget, an agency may then develop an "exception" budget request. An exception request asks for increased funding necessary to maintain current levels of service, to transfer funds and positions from one program within an agency to another, or for increased funding for expanding services to a new group of recipients or for expanding a new service to existing recipients. Not all agencies submit exception requests; the only required request is the standard. This request is for the upcoming two fiscal years, or biennium, which will begin on July 1st following a Budget Session.

- (c) Governor's Budget Recommendations: The entire budget request from each agency is presented to the Budget Division in August. The Budget Division then

assembles all of the agency requests into a total package for the Governor's review.

The CREG (the CREG is explained in detail elsewhere in this chapter) meets in October and develops revenue forecasts for the upcoming biennium. The Governor compares the entire budget request to the forecasted revenue and works with the Budget Division to prepare his budget recommendations to the Legislature. These recommendations must be provided to the Legislature by December 1st of each year.

The budget requests for the Legislative and Judicial Branches of State government are not submitted for the Governor's review and recommendation. The budget request for the Judiciary is submitted directly to the JAC for review and recommendation, and the legislative budget is prepared by Management Council and presented directly to the Legislature for consideration.

- (d) Supplemental Budget Requests: In the event an agency believes it needs additional funding after the Legislature has approved a biennial budget, it prepares a supplemental budget request in the summer months prior to the General Session of the Legislature. The process and time table are the same as that of a biennial budget request. The only difference is there are no standard or exception requests in a supplemental budget request, only a request for funds in addition to what was approved in the Budget Session.

In the event an agency needs funds in addition to the biennial and supplemental appropriations to make it through a biennium, an "effective immediate" budget request is made. These requests come during a Budget Session, but "effective immediate" appropriations are made in order for an agency to finish the current biennium, not for the upcoming biennium.

2. BUDGET PROCESS – JOINT APPROPRIATIONS COMMITTEE

- (a) Staff Analysis: Once the Governor's budget recommendations are received, the LSO budget/fiscal staff begin to analyze the request and compile various analyses at the direction of the JAC.
- (b) JAC Budget Hearings: The Committee begins agency biennial budget hearings in December and may continue them in January prior to the Budget Session. The JAC meets periodically in blocks of one or two weeks until the Budget Session convenes. During a General Session, agency supplemental budget hearings are typically held during the session at JAC meetings, but the Committee may also meet in December to hear agency requests.

The usual format for agency budget hearings is a lead-off presentation by the agency director on overall agency achievements, goals and requirements followed by a more detailed explanation of the agency's budget request. During this time,

the Committee asks questions but takes no formal action. It is simply an information exchange.

Once hearings for all agencies are completed, the Committee begins to “work” budgets. During this time, the JAC works through each agency’s budget, unit by unit, with individual Committee members making specific motions to either approve, deny or adjust a Governor’s recommended funding level for an agency. The Committee discusses and votes on each recommendation of the Governor. Whether there are legislative recommended changes or not, the Committee votes on each budget request for each agency.

The entire budget hearing/budget working process takes four or five weeks and is completed at least one week before the Budget Session begins.

- (c) Preparation of Budget Bills: Once the JAC has completed its work on the budgets, the LSO budget/fiscal staff prepares two identical (mirror) general appropriations, or budget, bills for introduction. One bill is a Senate File, the other a House Bill. Each bill consists of the JAC’s recommendations as approved by vote of the Committee.

The co-chairmen assign portions of each bill to different Committee members for explanation of the Committee’s action on the floor of each house. While there are two identical (mirror) bills started, only one bill, which encompasses the action from both houses, is dealt with by conference committee and is passed into law. (Procedures for processing the mirror budget bills during a session are set out in Joint Rule 14.)

3. JOINT APPROPRIATIONS COMMITTEE – INTERIM WORK

The interim work of the JAC generally can be split into two categories or types of study.

First, the Committee focuses on issues which affect agency expenditures or an agency’s ability to control expenditures. For example, issues such as federal and court-ordered mandates are topics typically targeted for interim monitoring and study by the JAC. Topics such as deferred maintenance, employee compensation, employee retirement, self-insurance and University of Wyoming block grant funding are examples of recent interim issues. These topics have become increasingly important in recent years and the JAC has focused its attention on these topics in the past several interims. In addition to these major issues, the JAC also responds to agency or constituent requests regarding budget problems of much smaller scope as they arise during the interim.

The second type of work may be described as studying ways to improve “the process.” This type of work was initiated several years ago as the Committee felt a need to make the entire budget process less cumbersome and more easily understood by everyone who was not a direct party to the process. The JAC began to work with the LSO budget/fiscal staff to develop improved educational and informational tools they could use to explain

to fellow legislators and constituents the budget process and the fiscal outlook for the State. With JAC direction, the LSO budget/fiscal staff have developed a number of systems which provide both detailed information on a by-program or by-agency basis, and more easily understood “big picture” reports. The JAC works with the LSO budget/fiscal staff and the Budget Division on an on-going basis to improve the format and content of all the budget documents and reports provided to the Committee and other legislators to improve the ability to analyze agency requests and inform others of the State’s fiscal picture.

4. THE LSO BUDGET/FISCAL STAFF RESPONSIBILITIES

In addition to staffing the JAC, the LSO budget/fiscal staff have other committee responsibilities, as well as responsibilities to individual legislators:

- (a) Revenue Projections – Revenue Committee: Budget/fiscal staff provide services to the Joint Revenue Committee as requested. Most of the interim work done for the Joint Revenue Committee deals with providing revenue projections for different types of revenue enhancement options, the effects of changing distribution formulas for existing revenue streams, and determining the State’s overall revenue needs. Session work involves updating revenue projections and distributions as proposed legislation requires.
- (b) Fiscal Information for Individual Legislators: Budget/fiscal staff are responsible for responding to requests from individual legislators for fiscal information. Legislator requests for any facts, figures, or explanation of State agency budgets, State revenue collections and projections, State government salary and personnel information, State revenue distributions, fund balances, appropriations, state to state comparisons of taxes, revenues, appropriations, etc., and any other “number crunching” requests are handled by the LSO budget/fiscal staff.

Computer resources of the LSO enable staff to provide numerous types of tables, charts, graphs and PowerPoint presentation material. If staff does not have the numbers immediately available, they will research the subject and respond with a return call or written memo.

5. CONSENSUS REVENUE ESTIMATING GROUP (CREG)

The Consensus Revenue Estimating Group (CREG) is responsible for formulating projections of the main sources of income to the major accounts in the State. The CREG was created by mutual informal agreement between the Executive and Legislative Branches in 1983 as a result of the need for reliable and consistent revenue estimates which could be used by the Executive Branch and the Legislature in the budgeting process.

Prior to the formation of the CREG, both branches of government produced and used their own revenue estimates. As would be expected in such a process, disparity between

estimates arose, and discussions that should have been focused on appropriate governmental spending levels were instead often focused on the accuracy and reliability of the revenue estimates themselves. Among the purposes for the formation of the CREG was the elimination of those revenue arguments.

- (a) CREG Membership: The CREG is composed of members from various professional fields and governmental organizations. Its members currently include the LSO's Budget/Fiscal Manager and a contractor of the Governor's office, who currently serve as co-chairmen of the CREG. The body of the group is currently made up of the Director of the Wyoming Oil and Gas Conservation Commission, the Director of the Wyoming Geological Survey, the Director of the Department of Revenue, a University of Wyoming economics professor, and representatives from the State Auditor's Office, University of Wyoming Administration (due to prior CREG involvement), and the State Treasurer's Office. This composition results in representation from the Legislative and Executive Branches, as well as the academic and professional realms.

The members of the CREG project the various streams of revenue to the General Fund, revenues from mineral severance tax and federal mineral royalties, the revenues received by the Common School Land Income Account, and the total State assessed valuation.

- (b) Development of CREG Estimates: The process of developing estimates begins in August when the members of the minerals subgroup of the CREG begin preparing estimates of mineral valuations. This subgroup is composed of the Director of the Wyoming Oil and Gas Conservation Commission, the Director of the Wyoming Geological Survey, the Supervisor of the Mineral Tax Valuation Division of the Department of Revenue, and the CREG co-chairmen. In late September, the minerals subgroup meets and prepares the estimates of mineral valuation. The entire CREG meets in early October to review the minerals subgroup's estimates, and to forecast the balance of the revenue categories.

After the projections are completed, the LSO and the Economic Analysis Division compile the information into the annual CREG report. The CREG forecast is then used by the Governor and the Legislature as the official revenue estimates for preparing and adopting State agency budgets.

- (c) Revised CREG Projections: The October CREG forecasts are revised, as necessary, in January, the only other regularly scheduled meeting of the group. After the January meeting, an official CREG report is issued which contains revised projections if revisions were made. This is done to take advantage of the most current actual data (and thereby make the near-term forecast as accurate as possible) before the information is used in the legislative session.

Unusual circumstances sometimes require the CREG to hold a special meeting to revise its estimates, as was the case during the Persian Gulf War in 1990-1991

when oil prices skyrocketed causing increased mineral revenues to be generated. In cases such as these, a special report is issued outlining the content of the meeting and any revisions made to the forecast.

- (d) Contents of CREG Reports: The CREG report contains the following information:
- (i) Projections for major revenue sources to the General Fund are detailed including sales and use taxes, pooled interest and Permanent Wyoming Mineral Trust Fund interest and severance taxes. Other revenue sources projected include charges for sales and services, franchise taxes, licenses and permits, and other smaller more varied sources of revenue to the General Fund.
 - (ii) The forecast details projected production, price and expected severance tax receipts for each major mineral including oil, natural gas, coal, and trona. In addition, the report shows expected distribution of severance taxes to each fund or account that receives the taxes.
 - (iii) The forecast also includes expected federal mineral royalties for oil, natural gas and coal, and details the expected distribution of royalties to each fund or account that receives the royalties.
 - (iv) The last section of the report projects income derived from investment of the Common School Permanent Land Fund and projects total State assessed valuation based on mineral price and projection estimates and estimates of assessed valuation for all other types of property based on historical trends.

6. LSO BUDGET/FISCAL REPORTS

- (a) Fiscal Profile: The Fiscal Profile (Goldenrod) is published periodically by the LSO budget/fiscal section. The report presents a fiscal summary for selected expendable funds and accounts including the General Fund, Budget Reserve Account, School Foundation Program, School Capital Construction Account, Water Development Accounts, and any other relevant accounts.

The profiles are updated several times during the session as appropriations and transfers are made, and are updated at other times of the year as expected revenues and expenditures change.

- (b) B-11 Report: The B-11 report is prepared quarterly by the LSO budget/fiscal section and provided to the JAC. The report details transfers of funds and personnel made between agencies and within agencies between programs during the year.

Each biennium, appropriations are made at the program level to operate the various agencies. Because of unforeseen events, it is sometimes necessary for the Governor to shift some of these appropriations around within the Executive Branch agencies. The Legislature grants the Governor a certain flexibility each year to transfer these funds but requires these transfers be reported to the Legislature. The transfers are made within the Executive Branch by utilizing a form called a B-11. The budget/fiscal section receives the approved B-11 data electronically, and in hard copy by request. LSO staff loads the information into a computer system and then generates various B-11 summary reports, which are provided to the JAC on a quarterly basis.

- (c) Quarterly Revenue Update: In addition to the semi-annual CREG revenue forecast report, a revenue monitoring report is prepared in April and July. This report is prepared jointly under the signature of the co-chairs of the CREG. The reports provide an update on the current year-to-date actual revenue receipts compared to the expected level of revenue for the current fiscal year. This comparison is made for General Fund revenues, federal mineral royalties and school land income. The April and July updates are not a revision to the CREG report, but rather an indication of the revenue status for the State at a specific point in the fiscal year.

In addition to the revenue comparisons, included in these quarterly updates is information on any other revenue issues or developments that have occurred since the last report.

LEGISLATIVE HANDBOOK

CHAPTER VIII

PROGRAM EVALUATION

The Program Evaluation staff of the LSO conduct in-depth research about the effectiveness and efficiency of State government programs. The Legislature's Management Audit Committee (MAC) selects program evaluation topics and provides direction to the program evaluation staff. Program evaluation reports provide information about programs that utilize public funds. Although program evaluation section staff are not available to conduct general research for individual legislators, the reports themselves are an important resource for legislators. Evaluation reports provide a great deal of background information and research about a variety of State government programs and issues to help inform legislative decision-making. Many common questions about the program evaluation process are addressed below.

What is Program Evaluation?

The goal of program evaluation is to provide the Legislature with useful, objective and timely information about the extent to which desired program results are being achieved. Program evaluation is a response to legislators' demands for thorough analyses of program performance and serves the Legislature by providing legislative oversight of programs. Program evaluations are designed to improve government operations and services. What makes program evaluation unique compared to other types of research is it allows an independent, in-depth look at an issue or program to identify problems, the causes of those problems, and potential solutions to those problems.

Evaluation reports are based on objective research that take into account a wide range of data and points of view. Staff research culminates in written evaluation reports about the effectiveness and efficiency of programs authorized by the Legislature. When conducting an evaluation, staff systematically review the selected program to determine: whether the program is achieving intended results, as authorized by the Legislature; whether the program is implemented and funds are spent according to legislative intent; whether there is duplication or overlap of administration or services; whether there are more efficient and cost-effective ways of reaching program goals; and whether the Legislature should consider certain issues when making policy and budget decisions about the program.

How are Topics Selected?

Suggestions for evaluation topics come from a variety of sources, including Management Audit Committee members, other legislative committees, individual legislators, and the LSO staff. However, the MAC makes the final determination as to which programs staff will evaluate. When selecting evaluations, the MAC looks for topics that are important and timely, over which the State has some control, where there is evidence of program deficiencies, and potential for improvement.

How are Evaluations Ensured to be Objective?

Program evaluation staff follow statutory guidelines when they conduct research, analyze data, and write reports. The research, analysis, and writing are done independently, without Committee involvement, and under statutory provisions for confidentiality. Although the MAC assigns topics and may identify the scope of evaluations, members do not direct or shape the course the evaluation takes. Once the MAC assigns a topic to the LSO, program evaluation staff conduct the research, analysis, and report writing without MAC input.

Staff members follow governmental auditing standards in conducting their work, which require they obtain sufficient, competent, and relevant evidence as a basis for findings and conclusions. Because the staff members are generalists, they necessarily begin evaluation work without convictions about possible problems or solutions in any program, which is one of the key ways they maintain neutrality. To further neutralize the possibility of individual biases among staff and to bring balance to the process, they conduct evaluations in teams. Finally, the reports themselves ensure balance by including a written response from the agency.

Why Keep Some Information Confidential?

Statutes give program evaluation staff unrestricted access to staff, sensitive documents and other information maintained by State agencies. Statutes also require program evaluation staff keep all information confidential until a report is formally released. The report includes aggregate information that does not identify individuals or the specifics of sensitive information. The draft report remains confidential until the Management Audit Committee has met with the affected agency to discuss its contents. Once the MAC is satisfied the report is fair and accurate, it votes to release the report, which then becomes a public document. Even after a report is released, the information used to prepare the report is still confidential by law.

This assurance of confidentiality is important because agency officials can feel comfortable discussing sensitive program issues knowing program evaluation staff members are legally required to keep that information confidential. The statutory requirements for confidentiality also allow program evaluation staff access to a broad range of sensitive documents that may otherwise be difficult to obtain.

Do the Reports Include Recommendations?

Program evaluation staff research usually looks at the results of programs, so it is primarily a retrospective, rather than prospective, endeavor. However, because program evaluations focus on problem solving, staff members also provide prospective options for change. Program evaluation reports may make recommendations both to the Legislature and to the Executive Branch. Rather than recommending a single course of action, staff often outline a series of options to administratively and legislatively correct problems. This is particularly true when policy questions are involved. Neither MAC members nor the LSO staff have authority to compel compliance with the recommendations. Agencies often choose to implement recommendations voluntarily or the MAC may choose to sponsor legislation related to the report's findings and recommendations.

How Can These Reports Help Legislators?

There is a growing clamor for governmental accountability: taxpayers, legislators, and other public officials want to know whether government is properly handling its funds and is complying with the law. Equally important, legislators and the public want assurance that government programs are achieving the purposes for which they were authorized, and are operating economically and efficiently. The program evaluation reports are a source of concentrated information about selected programs. These reports contain analytical material of a sort that is not provided by other sources. The reports include: historical background, budget information, an assessment of problem areas, and recommendations for change. A list of evaluations that have been completed on different topics is posted on the Wyoming Legislature's website under the Program Evaluation link.

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CHAPTER IX

GENERAL RESEARCH REQUESTS

LSO research staff provide a variety of research and information services to the Legislature. These staff members are responsible for conducting general research and policy analysis for legislators and responding to information requests from legislators.

1. REQUESTING RESEARCH

- (a) Type of Research: The LSO research staff provide a variety of quantitative and qualitative research, such as quick reference, comparisons with other states, limited programmatic and budget analyses, policy analysis, and identification of trends in Wyoming and in State government. Research staff do not provide legal advice, draft bills or prepare program evaluations. Research staff do provide non-partisan, independent analysis, consistent with the services and reputation of other LSO activities. As staff to the Legislature, the LSO research staff cannot accept requests directly from constituents, nor will they conduct research on one member for another member, *e.g.*, voting records.
- (b) Making a Research Request: Much like bill draft requests, committees or individual members may make research requests to the LSO research staff by phone, e-mail, fax or in person. The LSO research staff may also assist members in framing their request. Staff members internally distribute requests to accommodate differing workloads and to build issue-specific expertise. Consequently, although members may make requests of any LSO research staff member (or even other LSO staff), it is possible the request will be internally re-assigned.
- (c) Limits on Requests that Monopolize Staff Time: The LSO research staff will remain as flexible as possible to address every reasonable request. However, Management Council reserves the right to work with members in order to narrow overly broad or limit numerous requests that could monopolize staff resources. To the extent possible, all members should have an opportunity to benefit from this resource.
- (d) Time Constraints: The timing, both in terms of the requester's time constraints and staff time constraints, is important. First, please be sure to tell LSO research staff about any time expectations or constraints when submitting a request, even in the event there is no rush. LSO research staff will work to ensure all reasonable requests are addressed in priority (discussed in more detail later) and in as timely a manner as possible.

2. LSO GENERAL RESEARCH PROCESS

- (a) Prioritization of Research: Legislator requests will be handled in a similar manner to the current system for bill draft requests. Committee and individual requests are prioritized on a first-come, first-served basis. Work which broadly benefits the Legislature takes precedence over individual requests. As a result, assignments directed by Management Council are given top priority. Committee requests are next, followed by requests made by individual members. Initially, up to 25 percent of research staff time was to be devoted to individual requests. However, in recent years, almost 75 percent of requests have been generated by individual members rather than committees.
- (b) Types of Products: The LSO research staff prepare fact sheets (tables, graphs, and figures), research memoranda (relatively short analysis framed in a question/answer format), issue briefs, and research reports (somewhat more lengthy reports including policy alternatives and practical or administrative considerations). The more specific the request, not only identifying what information is of interest, but how that information might best be conveyed for use, will help staff ensure they are providing members with the most useful information.
- (c) Research Methodology Compared to Program Evaluation Process: The LSO research staff may work closely with Executive Branch staff and other external entities in developing information and even language for LSO research products. However, the LSO research staff do not operate under the statutes governing the LSO's program evaluation process. As a result, Executive Branch agencies will likely **not** have had the opportunity to review and comment on the research products prepared by LSO research staff, unless the requesting legislator directs otherwise.
- (d) Other Resources Available: Legislative research may also be obtained through national organizations in which Wyoming participates, including the National Conference of State Legislatures (NCSL) and the Council of State Governments (CSG). These organizations can provide expert research and testimony on a variety of issues. Legislators may wish to contact the LSO's legislative information staff to identify other appropriate external research outlets to address a particular inquiry. The LSO research staff can make a request of other organizations on behalf of a legislator or help a legislator frame his or her question. Alternatively, legislators may elect not to include research staff in the process whatsoever.

3. DISCLOSURE OF LSO RESEARCH STAFF PRODUCTS

- (a) Confidentiality of LSO Research: The requestor's identity, the specific nature of the request, and the product prepared by the LSO research staff will remain confidential, unless the requester authorizes the LSO to make the information

available to other members of the Legislature, or the public. A release form will accompany all final research products prepared for individual members. In addition, each spring, the LSO follows up on all research for which a disclosure form has not been received, providing legislators an additional opportunity to disclose their requested research products. The research release form will offer members several choices for sharing the research product with legislative colleagues and the public:

- (i) First, the member may elect to release the completed product (with or without his or her identity) to other members through the Legislature's document management system.
- (ii) Second, the member may elect to share the completed research product with the public on the Legislature's website.
- (iii) Third, the member may elect to direct the LSO staff to keep the completed research confidential.

While the disclosure decision lies with the requesting member, a consideration of how the product may help inform other members, if shared, is important. If the research product is allowed to be shared with other members, it will be available electronically to all members through the LSO's document management system. This policy only relates to how the LSO handles a legislator's research request. Legislators are free to personally distribute and share any LSO research with whomever they choose to on an informal basis, whether or not the research is formally released through the outlined disclosure process.

- (b) Related Research Requests: In the event multiple members make similar requests in a similar time frame, rather than proceeding with duplicative research, the LSO research staff will ask whether the member's identity and request may be disclosed to another member, similar to the bill drafting policy. The LSO research staff will then work with the appropriate members to identify if the requests may be combined. In the event a member makes a request subsequent to previously prepared, but not disclosed, research, the LSO research staff reserve the option to use resources and information previously developed for one legislator to assist in developing an appropriate response for a similar request received at a later date.

LEGISLATIVE HANDBOOK

CHAPTER X

LEGISLATIVE INFORMATION SERVICES

The LSO information staff are tasked with the management and dissemination of information resources to legislators, legislative staff, the media and the public. These staff members coordinate legislator education and outreach, media education and outreach, and civic education and outreach to promote understanding of the legislative process, as well as providing legislative operations support.

1. LSO INFORMATION SERVICES

- (a) Information Management: The LSO information staff manage the storage and distribution of legislative information to legislators, legislative staff, the media, and the public. These staff members have been working with the LSO IT staff to develop and refine an electronic document management system. The goal of this effort is to maintain a record of all information resources located within the LSO in a single, comprehensive, searchable database.
- (b) Legislator Education and Outreach: The LSO information staff are responsible for coordinating training for new and returning legislators, including orientation sessions for new legislators and optional training sessions for all legislators on a variety of topics. Information staff members also develop information resources for legislators about services available from staff about the legislative process and government programs.
- (c) Media Relations: The LSO provides basic media services for the Legislature to increase media coverage of legislative activities and events. The LSO information staff provide media services related to institutional promotion and participation in the legislative process. Although the information staff serve as a liaison to the media, the LSO does not act as a spokesperson for the Wyoming Legislature. However, the LSO information staff may help members of the media arrange interviews with legislators and help legislators contact the media. The LSO coordinates logistical facility needs with the media, the LSO, legislative leadership, and House and Senate staff. The LSO provides training to legislators and staff regarding media relations issues and provides training to members of the media about the legislative process. The LSO does not develop and distribute news releases for individual legislators, however, the LSO information staff may provide limited assistance, depending on workload, with research, crafting language, and providing advice for distribution.
- (d) Civic Education and Outreach: The LSO information staff also work to increase public understanding of representative democracy and to develop communication strategies to inform the public about the legislative process. The information staff

are responsible for developing and more effectively distributing information and educational materials about the legislative institution to the public. The LSO serves as a liaison for the Legislative Branch for civic education programs that promote the understanding of, and participation in, the legislative process. Information staff also develop strategies to encourage, and increase, citizen participation in the legislative process, both during the session and during the interim. Legislators may contact the LSO information staff when resources are needed for presentations to constituents about the legislative process.

- (e) Internship Program Management: The LSO manages the legislative internship program for high school, community college and university students. The LSO employs a part-time Intern Coordinator during legislative sessions and the Legislative Information Officers serve as the contact for the internship program during the interim and when the Intern Coordinator is not available. The information staff promote the internship program within institutions of higher education in Wyoming to increase the participation of colleges around the State. The information staff is also responsible for providing training to interns about the legislative process and research methodology.
- (f) Miscellaneous: The information staff also provide support in the areas of facility management, emergency preparedness, and coordinate event planning for the Legislative Branch.

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CHAPTER XI

ADMINISTRATIVE RULES

1. AGENCY RULEMAKING AUTHORITY

- (a) Delegation of Rulemaking Authority to Agencies: Delegation of rulemaking authority to Executive Branch agencies is often necessary for a number of reasons. For example:
 - (i) The field of law is too complex to be regulated entirely by statute;
 - (ii) Greater expertise of the regulating agency;
 - (iii) The area of law is one which must be constantly updated, *e.g.*, OSHA regulations.
- (b) Legislature Provides Guidelines – Agencies Address Details: It is common practice today for legislatures to enact laws establishing program standards and guidelines but to delegate to agencies the authority to “fill in the details” in putting the program into effect.
- (c) Legislature Retains Oversight: To guard against State agencies overstepping their legitimate bounds of authority and engaging in rulemaking which is arbitrary, unlawful or contrary to legislative intent, the Wyoming Legislature established procedures to ensure agency rulemaking is subject to public review, and also created the administrative rule review process as a mechanism for legislative oversight.

2. LEGISLATIVE RULE REVIEW PROCESS

- (a) The LSO Rule Review Report: Wyoming Statutes require State agencies to submit proposed administrative rules to the LSO. The legal services division staff reviews the rules and prepares a report for consideration by the Management Council. The scope of the review by the LSO staff and the Management Council is limited by statute to determine whether the rule:
 - (i) Is within the intent and scope of the legislative enactment delegating the authority to adopt the rule;
 - (ii) Has been adopted in accordance with all applicable statutory requirements; and

- (iii) Meets all constitutional and statutory requirements, restrictions and standards.
- (b) Management Council Action on Rules: The Management Council does not have authority to prevent an administrative rule from being filed and going into effect. If the Council objects to a rule, its initial alternative is to submit a recommendation to the Governor requesting he direct the agency to rescind or amend the rule. Many problems are identified and corrected at this point.

If the Council is not satisfied with the Governor's response to its recommendation, it may:

 - (i) Sponsor a regular bill to amend or clarify the authorizing statute or to directly prohibit the controversial provision adopted by the agency;
 - (ii) Sponsor legislation in the form of a "legislative order" to prohibit the implementation or enforcement of the rule. A legislative order is treated and processed like any other bill.
- (c) Additional Information: For additional detailed information concerning the administrative rule review process, please refer to the Management Council Handbook on Administrative Rules prepared by the LSO.

3. NOTICE TO LEGISLATORS CONCERNING PENDING RULES

- (a) The periodic **LSO Update** contains a list of pending administrative rules which have not received final agency action. The list also contains the name and telephone number of the agency contact person to whom comments and questions may be addressed.
- (b) In the case of new rules promulgated in response to recently enacted legislation, the LSO provides notice of the intended rulemaking to the primary sponsor of the bill and to the members of the interim or standing committee which acted on the bill, as well as to any other legislator requesting notification. Legislators may submit comments regarding the proposed rules directly to the agency or to the Management Council.
- (c) Rule reviews may be found on the legislative website.

LEGISLATIVE HANDBOOK

CHAPTER XII

ANTI-DISCRIMINATION AND SEXUAL HARASSMENT POLICY

Source Notes: MC Minutes 10/08/2002, 2/10/2018, 12/5/2018)

1. STATEMENT OF POLICY AND APPLICABILITY

The Wyoming State Legislature strongly disapproves of and does not tolerate discrimination or harassment. Any form of discrimination or harassment is a violation of this policy. All complaints or reports of discrimination or harassment shall be promptly investigated. If a complaint or report is found to constitute discrimination or harassment in violation of this policy, appropriate corrective action shall be taken.

Except as provided herein, this policy applies to members and employees of the Legislature and covers their interactions when in session and at all other times they are acting in their official capacity as a member or employee of the Legislature, including at interim committee meetings across the State and legislative conferences across the country. This policy also applies to complaints or reports of discrimination or harassment made by third parties who are observing in person or doing business with the Legislature.

This policy does not apply to legislator conduct which would qualify for protection under Article 3, Section 16 or similar protection contained in the Constitution of the United States.

This policy does not create or extend legal rights, classes or causes of action not established by federal or state of Wyoming law.

2. DEFINITIONS

- (a) "Complaint" means an account of conduct which may violate this policy and for which corrective action is appropriate against a person who committed discrimination or harassment, if substantiated.
- (b) "Employee" includes LSO staff, session staff, interns and pages.
- (c) "Member" means a current Wyoming state legislator and includes any appointee or person newly elected in a general election to the Legislature.
- (d) "Report" means the reporting of an incident or conduct by a person to either seek guidance on whether the incident or conduct violates this policy or to document the incident or conduct for the purpose of creating a record in the event the

conduct or incidents continue or the reported behavior becomes more egregious or demonstrates a repeated pattern of conduct.

- (e) "Third party" includes any elected official, or employee of the Executive or Judicial branches of state government, member of the media, lobbyist and member of the public.

3. PROHIBITED CONDUCT

The following conduct is prohibited under this policy:

(a) Discrimination or harassment:

- (i) Discrimination or harassment means any conduct that violates state or federal law by:
 - (1) Substantially interfering with or affecting an individual's work performance, employment, term or condition of an individual's employment or business with the Legislature; or
 - (2) Creating an intimidating, hostile or offensive environment in the Legislature.
- (ii) Civil discussion of controversial topics within the public discourse does not constitute discrimination or harassment.

(b) Sexual Harassment:

- (i) Sexual harassment is a form of sex discrimination.
- (ii) Sexual harassment means any unwelcome sexual advances, requests for sexual favors, comments of a sexual nature, unwelcome touching and other conduct of a sexual nature when:
 - (1) Submission to such conduct is either explicitly or implicitly made a term or condition of an individual's employment or ability to conduct business with the Legislature; or
 - (2) Submission to or rejection of such conduct is used as the basis for employment decisions affecting the individual; or
 - (3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance, or creating an intimidating, hostile or offensive environment.

- (c) Retaliation against any member, employee or third party who has lodged a complaint, filed a report, testified, assisted or participated in any manner in an investigation under this policy.
- (d) Any other conduct that violates applicable federal or state anti-discrimination law.

4. PROCEDURES TO LODGE A COMPLAINT OR FILE A REPORT

Any member, employee or third party may lodge a complaint or file a report as provided in this section. Complaints and reports may be provided in written form or may be verbally communicated. Complaints and reports shall include as much information as possible about the offending conduct, including the nature of the conduct, the date, time and location where the conduct occurred, frequency of the conduct and information about persons who may have witnessed the conduct. The person responsible for investigating the complaint or report under section V. of this policy, shall document receipt of the complaint or report by providing written acknowledgement to the person lodging the complaint or filing the report.

Before or in addition to lodging a complaint or filing a report, a member, employee or third party may, if he or she desires, notify the person of the unwelcome conduct and request that the conduct stop immediately.

- (a) Complaints or reports against a member or an employee.
 - (i) Any member, employee or third party who believes that he or she has been discriminated against or harassed by a member or an employee should lodge a complaint or file a report. The person may lodge a complaint or file a report with the person's supervisor, the House or Senate chief clerk, the presiding officer of the House or Senate, or to the LSO director or the director's designee.
 - (ii) Any person listed in IV. A. 1. receiving a complaint or a report against a member or an employee, or any other person who suspects discrimination or harassment by a member or an employee, shall immediately report the conduct to the person responsible for investigating the complaint or report under section V. of this policy.
- (b) Any member, employee or third party who believes that he or she has been discriminated against or harassed in the legislative setting by a non-member or non-employee should report the conduct to the person's supervisor, the House or Senate chief clerk, the presiding officer of the House or Senate, or to the LSO director or the director's designee.
- (c) The LSO director or the director's designee shall maintain a confidential file of all complaints and reports under this policy.

5. INVESTIGATIONS

All complaints or reports of discrimination or harassment prohibited by this policy shall be investigated as soon as possible after the conduct is reported or suspected.

- (a) Complaints or reports against a member shall be investigated as follows:
 - (i) The presiding officer of the house of the member alleged to have committed discrimination or harassment, or that presiding officer's designee, shall communicate with the person who lodged the complaint or filed the report to explain the procedures for investigations under this policy and for investigations under Joint Rule 22-1 of the Joint Rules of the House and Senate. The presiding officer or designee shall ask whether the person would like the complaint to be addressed under this policy or under Joint Rule 22-1.
 - (ii) Deference shall be given to the person's preference regarding how the complaint should be addressed unless it is determined by the presiding officer, after consultation with the majority and minority floor leaders, that the conduct of the member arises to the level of legislative misconduct as defined in Joint Rule 22-1 and that an investigation under that joint rule is required.
 - (iii) Investigations under this policy against a member shall be conducted by the presiding officer of the house of the member alleged to have committed discrimination or harassment. Three members of the Senate or three members of the House, as applicable, may be designated by the presiding officer to participate in the investigation.
 - (iv) If a complaint is against a presiding officer, then the duties of the presiding officer under this subsection shall be the duties of the Senate Vice-President or the House Speaker Pro Tem.
- (b) Complaints and reports against an LSO employee shall be investigated by the LSO director. Complaints and reports against a House employee shall be investigated by the chief clerk of the House. Complaints and reports against a Senate employee shall be investigated by the chief clerk of the Senate. If a complaint is against the LSO director or the House or Senate chief clerk, then the duties of the director or chief clerk under this subsection shall be the duties of the presiding officer of the House or Senate.
- (c) Investigations may include interviews with the person making the complaint or report, the person alleged to have committed discrimination or harassment and any witnesses who may have relevant information.

- (d) At the request of the person responsible for investigating the complaint or report, Management Council or the House or Senate when in session, may approve use of an outside individual or entity to investigate complaints and make recommendations. The person lodging the complaint may specify their preference for an internal or outside investigation.
- (e) During the pendency of an investigation, a presiding officer, the LSO director or House or Senate chief clerk may take steps necessary to separate or limit the interaction of the person making the complaint or report and the person alleged to have committed discrimination or harassment.
- (f) The person responsible for the investigation shall report the findings of the investigation in writing to the person lodging the complaint or filing the report and the person alleged to have committed discrimination or harassment.

6. CORRECTIVE ACTION

If the person responsible for investigating a complaint determines that discrimination or harassment occurred, action shall be taken immediately to reasonably ensure that the discrimination or harassment is stopped and does not reoccur.

- (a) Corrective action for members may include written reprimand, mandatory increased anti-discrimination or sexual harassment training, reassignment of duties, loss of legislative responsibilities or assignments, censure, expulsion or other corrective action in accordance with rules of the Legislature, the Wyoming Constitution and Wyoming statutes.
- (b) Corrective action for employees may include counseling, increased training, written reprimand, suspension, demotion or termination of employment.
- (c) Corrective action may be taken against any person whose conduct was found to violate this policy as provided by law, the rules of the Legislature, and the inherent authority of the presiding officers and chairmen to regulate the conduct and behavior of persons associating with their respective bodies.
- (d) If the person conducting an investigation under this policy determines that the complaint or report alleges criminal activity, further investigation or corrective action under this policy may be held in abeyance pending completion of any criminal investigation.

7. CONFIDENTIALITY

All persons investigating a complaint or report shall keep confidential all aspects of the complaint, report and investigation unless all parties to the complaint or report waive confidentiality. Absent a waiver, any disclosure will be limited to only that which is necessary to investigate the complaint or report properly, to take corrective action or to

report a potential violation of state or federal criminal law. If an investigation determines that corrective action is required against a member, the identity of the person lodging the complaint or filing the report shall remain confidential, but the identity of the member shall be made available to the public if the appropriate corrective action requires the vote of the entire body as provided by the rules of the Legislature, the Wyoming Constitution and Wyoming statutes.

In response to a request, the LSO director may release information on the number of complaints and reports received under this policy and other information to the extent the information does not allow for identification of any person and does not violate rules of the Legislature, Management Council Policy, the Wyoming Public Records Act or other applicable laws.

8. IMPLEMENTATION

The Legislature will ensure that this policy is disseminated and posted on the Legislature's website, included in the appropriate employee handbooks and is made available to interested parties through the LSO. All members and employees shall receive training on this policy at least annually.

LEGISLATIVE HANDBOOK

CHAPTER XIII

MISCELLANEOUS MATTERS

1. MEMBERSHIP IN NATIONAL ORGANIZATIONS

The Wyoming Legislature has historically participated in the following organizations:

(Note: Appointments of legislators to serve on committees of the following organizations are made by the President of the Senate and the Speaker of the House of Representatives)

- (a) Council of State Governments (CSG): The CSG is an association of elected and appointed officials from every branch of State government. Like the NCSL, the CSG acts as an information clearinghouse for the states. The Council promotes the exchange of information and ideas on a regional and national basis. Services available to Wyoming legislators include 50-state survey research and an interstate loan library.
- (b) Education Commission of the States (ECS): The ECS provides a national forum for the exchange of education information and experience among governors, state legislators, state and local school board members and business leaders. Similar to other national organizations, the ECS serves as an information clearinghouse and provides research and informational services to member states.
- (c) Energy Council: The Energy Council is a public policy organization representing the energy producing states. The purpose of the Council is:

“to promote a balanced national energy strategy and related environmental policies; to foster an understanding of energy and its role in the global economy and environment; to provide resources to assist member legislators in leading their states’ policymaking efforts on energy and related environmental issues; and to initiate dialogues with policymakers, at all levels, on energy and related environmental matters.”

(Excerpt from By-Laws of the Council)

- (d) National Conference of State Legislatures (NCSL): The NCSL provides research, information and technical assistance to legislators and legislative staff; conducts seminars and on-site staff visits to assist states in solving policy problems; represents states' interests before Congress and federal agencies; and provides training opportunities for both legislators and staff.

2. LEGAL OPINIONS ON PENDING LEGISLATION

During a legislative session, the Attorney General and the LSO are occasionally asked by a legislator for an opinion or “ruling” as to the constitutionality of some provision in a bill or the legality of a proposed amendment (especially an amendment to tack one bill onto another).

- (a) The following principles should be kept in mind regarding legal opinions on pending legislation:
 - (i) Legal opinions may differ. Furthermore, neither the Attorney General nor the LSO may issue a conclusive “ruling” on the legal issue involved.

The ultimate decision as to constitutionality lies with the courts and the Legislature is free to accept or reject the advisory opinion of the LSO or the Attorney General.
 - (ii) Even if a question as to constitutionality exists, the legislator may still determine a court challenge is unlikely as a practical matter or the benefits of the proposed legislation are worth the risk of possible challenge.
- (b) LSO advisory opinions will generally take one of the following alternative forms:
 - (i) Due to time limitations, the LSO staff is unable to adequately research the issue raised or to develop a reasoned legal opinion;
 - (ii) The LSO staff finds no significant constitutional issue;
 - (iii) The LSO staff believes there is some issue as to the constitutionality of the questioned provision upon which legal opinions could differ and there exists a risk of challenge on constitutional grounds; or
 - (iv) It is the opinion of the LSO staff that, if challenged, there is a substantial likelihood a court would find the questioned provision unconstitutional.

3. SERVICE ON NON-LEGISLATIVE COMMITTEES, TASK FORCES, ETC.

- (a) Members who are asked to serve on Executive Branch or other non-legislatively created boards, commissions, advisory councils, committees, task forces, etc., are free to do so. Members are encouraged to discuss appointments made by the Governor's Office with their presiding officer.
- (b) Members are generally not entitled to receive compensation for such appointments. *See* Travel Regulation A.2.g.
- (c) Expenses incurred in such activities may be of a type intended to be defrayed using the constituent service allowance provided by W.S. 28-5-106.

LEGISLATIVE HANDBOOK

APPENDIX 1

RELATED PUBLICATIONS

There exist a number of other publications which contain important information for legislators relating to the operation of State government generally and to various aspects of the legislative process specifically. The following is a directory of a selected number of these related publications. A brief synopsis of the type of information included in each publication is also provided.

Annual (Agency) Report

The Annual Agency Report contains a separate section on each agency in the Executive Branch of State government and includes such information as: organizational chart; description of agency divisions and programs; funding and expenditures of each agency; agency objectives, accomplishments, problem areas and recommended improvements. Published annually by the Department of Administration and Information.

Annual (Financial) Report

The Comprehensive Annual Financial Report for the State of Wyoming is prepared and distributed by the State Auditor. The Report contains:

- Financial statements of revenues, expenditures and changes in fund balances for all State government funds.
- Statistical section including fiscal, social and demographic information about Wyoming, *e.g.*, historical comparison of receipts and expenditures for various State funds; schedule of State, University of Wyoming and community college employees; census results; and employment figures.

Book of the States

Published biennially by the Council of State Governments, the Book of the States contains comparative state data relating to such matters as:

- State constitutional provisions.
- Organization, operation, activities and statistics (*e.g.*, comparative compensation information) relating to the three branches of government in each state.
- Summaries of state finance and budget matters.
- A variety of statistics and information about the states including: demographics, historical data, elected officials, state symbols, etc.

A copy of the Book of States is on file in the LSO for use by legislators.

Committee Chairmen's Handbook

This handbook is published by the LSO with the approval of Management Council and provides an assortment of information for committee chairmen.

Committee Records

Interim committee records from 1971 to the present are maintained in the LSO. Typically, the records consist of meeting minutes, handouts, memoranda, correspondence, and staff reports relating to interim committee studies and interim committee sponsored bills.

Historically, minutes of standing committee meetings have not been maintained. However, handout materials presented to standing committees are now retained in the LSO.

Consensus Revenue Estimating Group (CREG Report)

See Wyoming State Government Revenue Forecast (below).

Ethics Brochure for Legislators

Provides information to legislators on the Ethics and Disclosure Act and answers some common ethical questions regarding the receipt of gifts, travel and meals, etc.

House and Senate Rules

At the first session following a general election, each new Legislature adopts rules of procedure governing how the business of each house is conducted. Normally, each new Legislature adopts the rules of the preceding Legislature with relatively few changes. The rules provide for such matters as the order of business, motions, points of order, referral and reporting of bills by committees, procedures for Committee of the Whole, 2nd and 3rd reading, and rules of decorum for the House and Senate.

Journal (Digest) – Daily Journal

Both the House and Senate maintain an official day-to-day record of legislative business, known as the “Daily Journal.” The Daily Journal is used to record every significant action which occurs on the floor of the House and Senate during the session.

Following the close of each session, a Journal (formerly called the “Digest”) of the House and Senate is published and furnished to each legislator. The Journal contains:

- Record of opening and closing day proceedings.
- Transcript of the Governor's opening message and remarks at the close of the session.
- For each bill considered by the Legislature:
 - Bill title and sponsor name
 - Record of all roll call votes
 - Text of all amendments
 - Summary of all action taken on the bill

Legislative History of Wyoming

This publication provides a brief recap of the various sources of Wyoming legislative history available to the researcher. Prepared by the Legislative Service Office.

Legislative Service Office Annual Report

Prepared annually in December, the Report contains:

- Summary of interim committee studies and activities
- Recap of bill statistics
- Summary of certain legislative expenditures

Legislative Service Office Budget/Fiscal Reports

The Legislative Service Office prepares a number of publications providing budget/fiscal information to assist legislators in understanding and managing the State's budget. The following publications are described in more detail in Chapter VII of this Handbook:

- Fiscal Profiles ("Goldenrod Reports")
- B-11 Report

School Foundation Block Grant Flow Chart

Prepared by the LSO, this publication serves as a basic primer in school finance. The flow chart provides an overview of the State Foundation Program, school capital construction grants and loans, and other revenue sources available to support the State's school system.

Management Audit (Program Evaluation) Reports

Prepared by the LSO program evaluation section under the direction of the Management Audit Committee, management audit reports provide detailed information, historical background, policy analysis and suggestions for improvements relating to the operation of selected State government agencies and programs. Copies of management audit reports are on file in the LSO.

Management Council Travel Regulations

This manual contains policies adopted by the Management Council relating to travel regulations for legislators and legislative staff.

Mason's Manual of Legislative Procedure

Questions of parliamentary procedure which are not specifically covered by the House and Senate rules or the Wyoming Manual of Legislative Procedures are governed by Mason's Manual of Legislative Procedure. Matters covered by Mason's include:

- Parliamentary law
- Rules of debate
- Rules governing motions
- Quorum and vote requirements
- Power and procedures of legislative committees
- Relations between the houses
- Calling and adjournment of sessions

Session Laws

Each bill adopted by both houses and signed, or allowed to become law, by the Governor is assigned a numerical "chapter number." Following the session, the enacted chapters are compiled and published as the Session Laws of Wyoming. The Session Laws are unique in that they are published in a "strike and underscore" format which allows the reader to quickly identify language which is being stricken from or added to existing law. Session Laws are usually mailed to legislators in June of each year and are available on the legislative website.

Testifying Before a Legislative Committee

This pamphlet published by the LSO with the approval of the Management Council provides information for the public relating to testifying before a legislative committee.

Wyoming Data Handbook

This handbook contains demographic, economic and physical data concerning Wyoming. Typical entries include:

- **Population and demography:** employment and income figures
- **Business and industry:** gross State product; consumer price index; employment rates; agriculture and industry production
- **Government:** revenues and expenditures; government employment; election results

- **Resources information:** land ownership; water resources; wildlife harvests
- **County statistics:** population; employment; county finance; sales tax collections

Published biennially by the Department of Administration and Information

Wyoming Manual of Legislative Procedures

This manual, which is second in priority of authority to adopted House and Senate rules, contains:

- **A summary of each step in the legislative process** which a bill goes through to become law, from introduction through conference committee action
- **Motions during floor debate:** purpose, priority and vote required
- **“Order of business”** for regular legislative days
- **Committee of the Whole** debate procedures
- **Report checklists** for standing committees and joint conference committees
- **Special rules** relating to: call of the Senate or House; suspension of rules; motion to reconsider; appeals from decision of the Chair; personal privilege; consent list for bills
- **Glossary:** legislative terms

Wyoming Official Directory

Compiled and published annually by the Secretary of State, the Official Directory contains:

- Directory of elected officials in all three branches of State government
- Name, address and term of members appointed to government boards, commissions and councils
- Brief descriptions of the purpose or function of each government agency and board
- List of county officials

Wyoming State Government Revenue Forecast (CREG)

The Consensus Revenue Estimating Group (CREG) meets annually in October to develop State revenue projections. The Group generally meets again in January preceding the legislative session to review and update projections made in October. The annual report published by the CREG contains revenue forecasts for each of the following five fiscal years relating to income to the General Fund, severance taxes, federal mineral royalties, and common school land income revenues. For additional information relating to the CREG revenue projections, *see* Chapter VII of this Handbook.

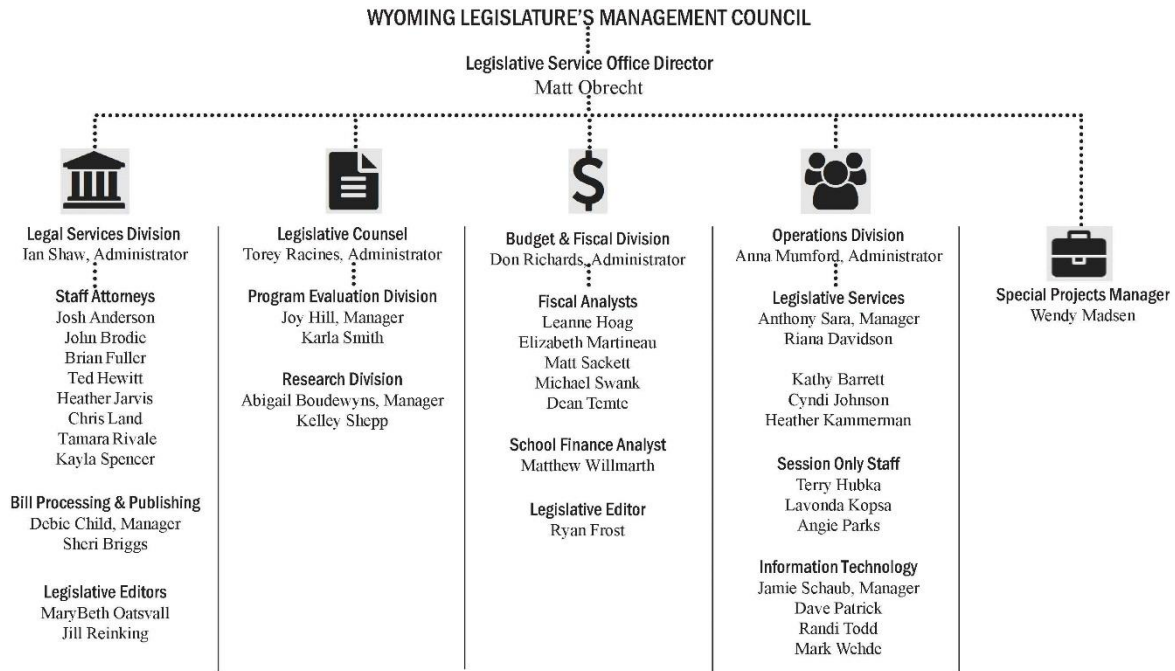
Wyoming Statutes (Annotated)

The official publication of Wyoming's laws is the multi-volume set entitled "Wyoming Statutes Annotated." A full set of the Wyoming Statutes is issued to each legislator after his or her election and is supplemented thereafter during the legislator's term in office. The statutes contain citations to interpretive judicial decisions and other relevant publications.

LEGISLATIVE HANDBOOK

APPENDIX 2

ORGANIZATION CHART



The Legislative Service Office provides high-quality, professional and non-partisan staff support to exercise the constitutional duties of the Wyoming Legislature.

LEGISLATIVE HANDBOOK

APPENDIX 3

SUPPLEMENT

NOTE: New policies and amendments to existing policies adopted by the Management Council since the date of the publication of the latest bound edition of the Legislative Handbook are set out in this Supplement and are also available on the web version of this Handbook on the legislative website at www.wyoleg.gov.

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